

**STOCKBRIDGE
PLANNING COMMISSION
BOARD MEMBERS**

Trameka Walker, Chair

Vacant, Vice-Chair

Meeka Douglas

Sharonda Gardner

Lisa Glenn

Darryl Thompson

ADMINISTRATION

Ryan Anderson
Community Development Director

Veronica Green
Chief Planner

Linda Logan
Senior Planner, Secretary

Gordon Linton,
Senior Planner

Brennen Reilly,
GIS Analyst / Planner II

Valerie Ross, Attorney

Planning Commission Meeting Agenda September 17, 2026 6:30 PM



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA PLANNING COMMISSION MEETING CITY OF STOCKBRIDGE

THURSDAY, SEPTEMBER 17, 2026 6:30 PM

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Adoption of the Agenda**
- VI. Approval of Minutes - August 20, 2026 Summary Minutes
PC Summary Minutes for August 20, 2026**
- VII. Public Hearing**

Item # 1 - ZONING MODIFICATION CASE #ZM-2026-02. (Council District 4.)

Consideration of a major zoning modification request for the property at 55 Valley Hill Road to allow for changes to the previously-approved site plan for a townhome development, which was approved by the Stockbridge City Council via three cases on November 13, 2023. The cases included 1) Comprehensive Plan Amendment Case #CP-2023-02 (which changed the property's future land use designation to High-Density Residential); 2) Rezoning Case #RZ-2023-03 (which assigned the zoning district of MFR (Multiple Family Residential) to the property; and 3) Variance Case #VR-2023-02 (which approved a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet in the MFR district to 30 feet). The previous applicant / owner / developer for CP-2023-02, RZ-2023-03, and VR-2023-02 was D. R. Horton, Inc., represented by Tiffany Hogan. The previously-approved, 149-unit townhome development was not built, and the property was sold to a new owner.

Now, a new applicant, Yashesh Shah of Shree Developers Group (represented by Asia Mosee) wishes to build a revised townhome development with 91 units. Further, the applicant proposes to subdivide the subject property into two parcels for the purpose of building on the southern parcel only and selling the northern parcel. The applicant is therefore requesting the approval of a major zoning modification from RZ-2023-03 to allow for the approval of a revised site plan which shows the development of the southern portion of the property only.

The zoning and future land use designation of the property would not change. The current property owner is OTAC Development Group, LLC. The property is located in Land Lot 69 of Land District 12, and it contains 24.908 +/- acres within the Stockbridge City Limits. The applicant is proposing to build the townhome development on 11.311 acres within the southern portion of the property, south of the existing creek.

Presented by: Linda Logan

Item # 2 - ZONING MODIFICATION CASE #ZM-2026-03. (Council District 4.)

Consideration of a major zoning modification request for the property at 4882 North Henry Boulevard to allow for changes to the previously-approved site plan for a townhome development, which was approved by the Stockbridge City Council via three cases on February 12, 2024; and to request the removal of five (5) zoning conditions that were included with the rezoning of the property. The cases included 1) Comprehensive Plan Amendment Case #CP-2023-09 (which changed the property's future land use designation to Medium-Density Residential), Rezoning Case #RZ-2023-10 (which rezoned the property to MFR (Multiple Family Residential); and Variance Case #VR-2023-06 (which granted a variance to reduce the front yard setbacks of the townhome lots on the north side of North Henry Boulevard and the west side of Center Street from the required 50 feet in the MFR District to 30 feet). The previous applicant for CP-2023-09, RZ-2023-10, and VR-2023-06 was Forestar (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell, & Russell, LLP. The previously-approved, 90-unit townhome development was not built, and the property was sold to a new owner.

Now, a new applicant, Aaron Rissler of Apex Stockbridge, LLC, represented by Sara Shirk of Falcon Design, wishes to build a revised townhome development with 90 units. The applicant is requesting the approval of a major zoning modification from Ordinance #RZ-2023-10 to allow for the approval of a revised site plan, and to request the removal of five (5) of the twelve (12) zoning conditions that were required as part of the approval of RZ-2023-10. The five zoning conditions which the applicant is requesting to be removed are listed below (numbered from the ordinance).

1. Site Plan—The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled, "North Henry Townhomes: Forestar Zoning Plan", which was prepared by Atwell Group on 12/01/23 and received by the Planning and Zoning Staff on 12/04/23. [Note: The site plan showed the provision of a swimming pool and a clubhouse.]

4. Waste Collection—A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.

5. Architectural Design:

a. All townhome units shall have brick on at least three sides. [The applicant requests a replacement condition stating that the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting.]

b. [No change.]

c. This shall be a gated community.

6. Rental Units—No more than 10 percent of the townhome units may be rented at any one time.

The zoning and future land use designation of the property would not change. The current property owner is Apex Stockbridge, LLC. The property is located in Land Lot 60 of Land District 12, and it contains 15.601 +/- acres within the Stockbridge City Limits.

Presented by: Linda Logan

Item # 3 - UPDATE TO THE CITY OF STOCKBRIDGE UNIFIED DEVELOPMENT CODE.

Consideration of a resolution to allow for a major update to the City of Stockbridge's Unified Development Code (UDC) for the purposes of allowing for more innovative uses; for including more relevant standards; for making various clarifications; and for other purposes. A draft update has been prepared by a consultant, in collaboration with the Community Development Department Staff and the UDC stakeholder committee. The update would revise the previously-adopted UDC from March 14, 2022 and its subsequent amendments. Its approval and adoption would result in a new UDC version to become effective upon the City Council's adoption in 2026, and it would replace all previous versions of the UDC.

Presented by: Veronica Green

- VIII. Project Updates**
- IX. Staff Comments**
- X. Board Comments**
- XI. Adjournment**



Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.



SUMMARY MINUTES

PLANNING COMMISSION

THURSDAY, AUGUST 20, 2026 AT 6:30 p.m.

BOARD MEMBERS:

Tameka Walker, Chairperson
(District 5)
Meeka Douglas, Vice
Chairperson (District 4)
Lisa Glenn (At Large)
Sharonda Gardner (District 2)
Darryl Thompson (District 3)
Mills Johnson (District 1)

ADMINISTRATION:

Ryan Anderson, Community Dev. Director
Valerie Ross, City Zoning Attorney
Veronica Green, Chief Planner
Gordon Linton, Principal Planner
Linda Logan, Senior Planner / PC Secretary
Mark Aniadaga, Senior Planner
Brennen Reilly, GIS Analyst / Planner II

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

	Present:	Absent:
~ Tameka Walker	<u> X </u>	<u> </u>
~ Meeka Douglas	<u> </u>	<u> X </u>
~ Lisa Glenn	<u> X </u>	<u> </u>
~ Sharonda Gardner	<u> X </u>	<u> </u>
~ Darryl Thompson	<u> </u>	<u> X </u>
~ Mills Johnson	<u> X </u>	<u> </u>

A quorum of members was achieved.

V. ADOPTION OF THE AGENDA

It was noted that the applicant for ZM-2026-03 at 4882 North Henry Boulevard had submitted to the Staff a deferral request letter on August 19, 2026. Lisa Glenn therefore made a motion to adopt a revised agenda to remove ZM-2026-03 from consideration. Mills Johnson seconded the motion. A vote was taken, and the revised agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – August 6, 2026 Summary Minutes.

Lisa Glenn made a motion to adopt the Planning Commission Summary Minutes from August 6, 2026, and Sharonda Gardiner seconded the motion. A vote was taken, and the Minutes were unanimously adopted.

VII. ZONING MODIFICATION CASE #ZM-2026-02. (Council District 4.)

Consideration of a major zoning modification request for the property at **55 Valley Hill Road** to allow for changes to the previously-approved site plan for a townhome development, which was approved by the Stockbridge City Council via three cases on November 13, 2023. The cases included 1) Comprehensive Plan Amendment Case #CP-2023-02 (which changed the property's future land use designation to High-Density Residential); 2) Rezoning Case #RZ-2023-03 (which assigned the zoning district of MFR (Multiple Family Residential) to the property; and 3) Variance Case #VR-2023-02 (which approved a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet in the MFR district to 30 feet). The previous applicant / owner / developer for CP-2023-02, RZ-2023-03, and VR-2023-02 was D. R. Horton, Inc., represented by Tiffany Hogan. The previously-approved, 149-unit townhome development was not built, and the property was sold to a new owner.

Now, a new applicant, Yashesh Shah of Shree Developers Group (represented by Asia Mosee), wishes to build a revised townhome development with 91 units. Further, the applicant proposes to subdivide the subject property into two parcels for the purpose of building on the southern parcel only and selling the northern parcel. The applicant is therefore requesting the approval of a major zoning modification from RZ-2023-03 to allow for the approval of a revised site plan which shows the development of the southern portion of the property only.

The zoning and future land use designation of the property would not change. The current property owner is OTAC Development Group, LLC. The property is located in Land Lot 69 of Land District 12, and it contains 24.908 +/- acres within the Stockbridge City Limits. The applicant is proposing to build the townhome development on 11.311 acres within the southern portion of the property, south of the existing creek.

To be presented by the Community Development Staff.

Staff Presentation--Linda Logan gave a PowerPoint presentation of ZM-2026-02. She explained that a townhome development was previously approved for this property by a different developer, but that the project was not built. Further, the previous developer had received an administrative zoning modification to allow the non-provision of a road crossing over the creek due to anticipated flooding and other environmental problems. Now, a new developer wanted to build a smaller townhome development on the southern portion of the property only. The subject property, which currently extends from Valley Hill Road to the north down to Davis Road to the south, would first be subdivided into two parcels, and only the new southern parcel, south of the creek, would be developed.

Board Question--Sharonda Gardner asked for clarification on the determination of the infeasibility of the road crossing across the creek. Ms. Logan explained that the engineer for the previous developer had determined that, due to the insufficiency of the existing culvert under the railroad tracks, flooding was likely to occur if a road were to be constructed over the creek. The previous applicant then applied for, and was granted, an Administrative Zoning Modification by the Staff to eliminate the requirement to build a road across the creek. Ms. Gardner then asked whether the engineer for the current applicant had done a separate study of the creek, or whether she had relied upon what the previous engineer had determined. Ms. Logan was not sure, and she said that perhaps the applicant's engineer could answer that question. Ms. Gardner also asked about the applicant's plans to subdivide the property, to build on the southern portion only, and to sell off the northern portion. Ms. Logan confirmed that that was her understanding.

Applicant's Presentation--Asia Browner Mosee', P.E., gave a short presentation on behalf of the applicant. She stated that the applicant was requesting a zoning modification from a previously-approved site plan for 149 townhome units; but that now, the applicant wanted to shrink that down to a 91-unit "Davis Road Townhomes" development on 11.31 acres on the southern portion of the property only. Ms. Mosee' said that due to the existing shallow rock on the northern portion of the property, it would be extremely difficult and costly to build foundations for townhomes. Although there were some issues with the railroad culvert, the presence of the shallow rock was enough for the applicant to decide not to build on the northern portion of the property. Regarding the proposed density of the project, Ms. Mosee' explained that due to the property's future land use designation of High-Density Residential, the applicant needed to build a high-density development. Further, the proposed 91 units would have a density of 8.04 units per acre, which is just above the minimum threshold of 8 units per acre for High-Density Residential. That is why the applicant is not proposing to build single-family homes. There would be a 30-foot yard setback, a 20-foot rear yard setback, and a 20-foot building separation. There would be two project entrances instead of just one (off Davis Road), and they would be used by the community and by emergency vehicles. Amenities would include a pool, a dog park, and a walking trail. An 8-foot landscaped buffer would be provided along Davis Road as a screening so that the proposed townhomes would blend in better with the surrounding single-family homes. In addition, 25-foot landscaped buffers would be provided adjacent to the townhomes (on the eastern and western sides of the property). Ms. Mosee' showed some sample renderings, and she said that the buildings would have brick facades.

Board Questions:

1. Trameka Walker—Ms. Walker asked about what would be done with the non-buildable northern portion of the property. Asia Mosee' replied that the applicant has not yet purchased the property, and the applicant would only purchase and build on the southern portion. Ms. Walker also asked about the proposed price point of the townhomes. Ms. Mosee' thought that it would be in the \$300,000 to \$400,000 price range, but she could not confirm that. Ms. Walker asked whether there was a "maturation date" for the finalization of the project. Ms. Mosee' said that it would be within the next twelve months because the applicant has to close on the property in December. Building would start right away. Ms. Walker also asked about the percentage of units to be lease-to-own, and Ms. Mosee' said that "everything would be fee simple."
2. Sharonda Gardner—Ms. Gardner asked about the buffer between the northern and southern portions of the property. Would construction activity disturb the creek or the culvert, potentially causing a flood from the creek? Asia Mosee' replied that the Georgia EPD requires a 50-foot buffer off of the creek, and that the City also imposes an additional impervious 25-foot buffer off of that 50-foot buffer, so grading activity may occur, but no hard surfaces may be put into the buffer. Thus, there would be no disturbance in the creek. The issue with the culvert was building on top of it. The purpose of the stormwater pond is to detain water, so water will be discharged into the creek, but it would be less volume of water because of the pond than before development occurs.

Public Hearing:

1. Mary Scott of 112 Creek Circle—Ms. Scott asked whether any other engineering studies had been done to determine the effects on the culvert under the railroad tracks when the proposed roads within the development are built. She expressed concerns about flooding and children crossing the railroad tracks on the way to the adjacent park to the east. Trains do not blow their horns in that area. Also, she said that it seemed that Ms. Browner had described a retention pond rather than a detention pond, with stagnant water remaining on the property near the creek. Ms. Scott wondered whether the applicant, who does not yet own the property, has license to do these engineering studies. She wanted this case to be deferred until these questions could be answered.
2. Gwen Mack of 377 Grove Hill Drive—Ms. Mack asked whether a traffic study had been done for the proposed development. She said that there was currently an overdevelopment of residential uses within Council District 4, and she wanted a moratorium to be placed on development activity within Council District 4.
3. J. Nafemah Peck of 180 Davis Road—Ms. Peck was concerned about welfare, health, and safety issues regarding the growth of traffic on Davis Road and the surrounding area, including traffic due to people visiting the Amphitheater. She saw the presence of the railroad as being a safety, health, and nuisance for children, and having an entrance there would stagnate the traffic. How would the noise of construction affect residents of Davis Road? Also, 91 units would be too many for that area.

Applicant's Clarifications—Asia Mosee' provided several clarifications:

- a) **Stormwater management**—Ms. Mosee' made a distinction between water "retention" and water "detention." She explained that the state of Georgia requires that a certain amount of water be retained on the site. If that cannot be achieved, then the developer would need to provide some sort of water quality measure. For this project, the developer is still in the preliminary phase of that, and all of the appropriate calculations need to be done before it can be determined whether retention is achievable on this site in order for a permit to be issued. Ms. Mosee' explained that the difference between retention and detention is that retention retains, but it still also detains. Not all of the water can be retained, but not all of it can be detained, so some water would still be discharged into the creek. Detention is purely just slowing down the water, but no water would be retained on the site. In both scenarios, there would still be a small trickle of water being released.
- b) **Traffic Study**—Ms. Mosee' said that the applicant was not initially required to prepare one. But last week, after hearing all of the concerns about traffic, the applicant decided to order the preparation of a traffic study to ease the concerns of the community. Before the next meeting, the applicant hopes to have the traffic study completed.
- c) **Buffers**—Ms. Mosee' said that, based off of the previously-approved plans, there was a requirement to provide a 10-foot-wide buffer adjacent to the railroad right-of-way. There is a lot of room between the railroad and the property line, and there would be an additional 10-foot buffer off of that.
- d) **Construction Noise**—Ms. Mosee' said that typically, contractors are only allowed to work during a certain time period, so there should not be any construction at unreasonable times of the day.
- 4. **J. Nafemah Peck of 180 Davis Road (second time)**—Ms. Peck wanted to know what those hours would be for construction to start and end, and she asked whether that would include weekends. Ms. Mosee' replied that weekends are typically not allowed, and that weekday hours are normally from 9:00 a.m. to 5:00 p.m.

Board Action for ZM-2026-02—Lisa Glenn made a motion to table ZM-2026-02 until the next Planning Commission meeting, and Mills Johnson seconded the motion. A vote was taken, and ZM-2026-02 was unanimously deferred until September 17, 2026.

VIII. ZONING MODIFICATION CASE #ZM-2026-03. (Council District 4.)

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for CP-2023-09, RZ-2023-10, and VR-2023-06 was Forestar (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell, & Russell, LLP. The previously-approved, 90-unit townhome development was not built, and the property was sold to a new owner.

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4. Waste Collection—A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.
5. Architectural Design:
 - a. All townhome units shall have brick on at least three sides. [The applicant requests a replacement condition stating that the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting.]
 - b. [No change.]
 - c. This shall be a gated community.
6. Rental Units—No more than 10 percent of the townhome units may be rented at any one time.

The zoning and future land use designation of the property would not change. The current property owner is Apex Stockbridge, LLC. The property is located in Land Lot 60 of Land District 12, and it contains 15.601 +/- acres within the Stockbridge City Limits.

To be presented by the Community Development Staff.

The Board members had removed this case from the agenda by adopting a revised agenda, since the applicant had submitted a deferral request letter. But since this case was legally advertised in the newspaper for a public hearing, Ms. Walker read the case into the record.

XIII. PROJECT UPDATES

To be presented by the Community Development Staff. No action is required.

There were no project updates.

XIV. STAFF COMMENTS

To be presented by the Community Development Staff. No action is required.

There were no staff comments.

XV. BOARD COMMENTS

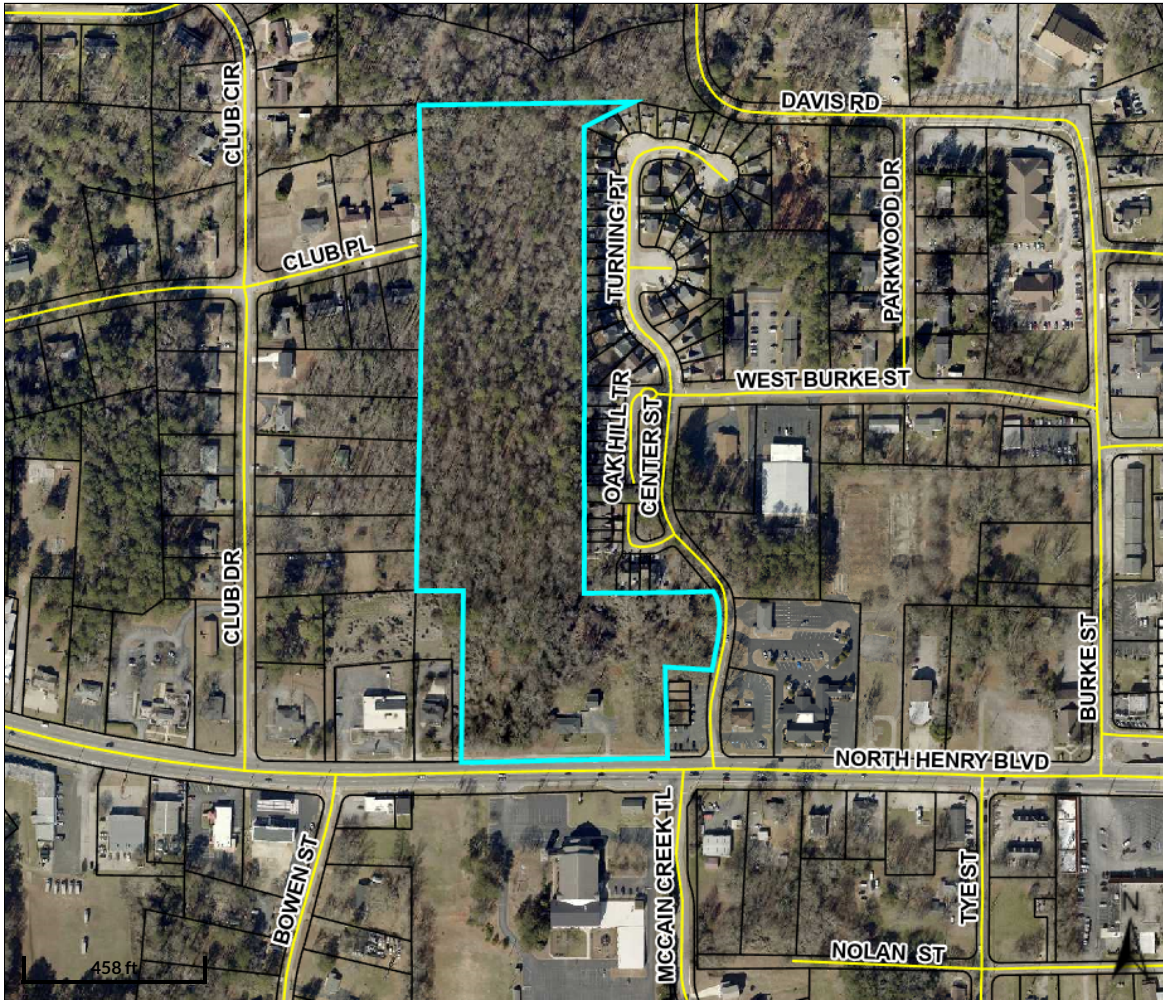
There were no Board comments.

XVI. ADJOURNMENT

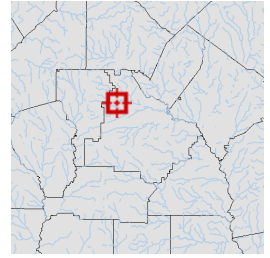
Sharonda Gardner made a motion to adjourn the meeting, and Lisa Glenn seconded the motion. A vote was taken, and the meeting was unanimously adjourned. Chairperson Walker declared that the meeting was adjourned at 7:29 p.m.



Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S18-02002005	Class	Commercial	Owner	QMS ENTERPRISES	Land	\$1,947,500				
Property	4882 NORTH	Acreage	15.58	Address	LP &	Value:					
Address	HENRY BLVD				QUILLIAN GEORGE	Building	\$206,300	Last 2 Sales			
District	City/Stockbridge				W&CYNTHIA	Value:		Date	Price	Reason	Qual
	TAD				1482 N DECATUR	Misc	\$3,300	7/31/1999	\$0	U	U
					RD	Value:		11/1/1985	\$84,500	U	U
					ATLANTA, GA	Total	\$2,157,100				
					303062423	Value:					

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 7/29/2026

Last Data Uploaded: 7/29/2026 6:43:32 PM

Developed by  SCHNEIDER
GEOSPATIAL

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant made, within two (2) years immediately preceding the filing of this application for a conditional use permit, campaign contributions aggregating \$250 or more, or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application? Yes _____ No X

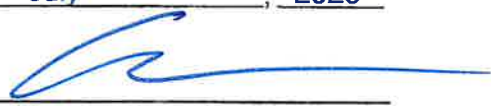
If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater, which was given to Board Member
	N/A	

We certify that the foregoing information is true and correct, this 10th day of July, 2026

Aaron Rissler

Applicant's Name - Printed


Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of July, 2026

Emily Prescott
Notary Public



* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a variance.

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If Yes, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 10th day of June, 2026

Yashesh Shukh

Applicant's Name - Printed

[Signature]

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of June, 2026



[Signature]
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a variance.

DAVIS ROAD TOWNHOMES

STOCKBRIDGE, GEORGIA

A thoughtfully designed residential community combining modern architecture, resort-style amenities and a walkable neighborhood plan.

CONCEPT PRESENTATION

BEAUTIFUL ARCHITECTURE

Davis Road Townhomes - Stockbridge, GA



PROJECT SNAPSHOT

A compact, amenity-forward townhome community

The zoning modification plan establishes a high-quality residential layout along Davis Rd, featuring integrated open space and community amenities.

91

TOWNHOME LOTS

11.31

SITE ACRES

8.04

UNITS / ACRE

24'

MIN. LOT WIDTH

Key Site Standards

- 30 ft

Front setback
- 20 ft

Rear setback
- 20 ft

Building separation
- Davis Rd

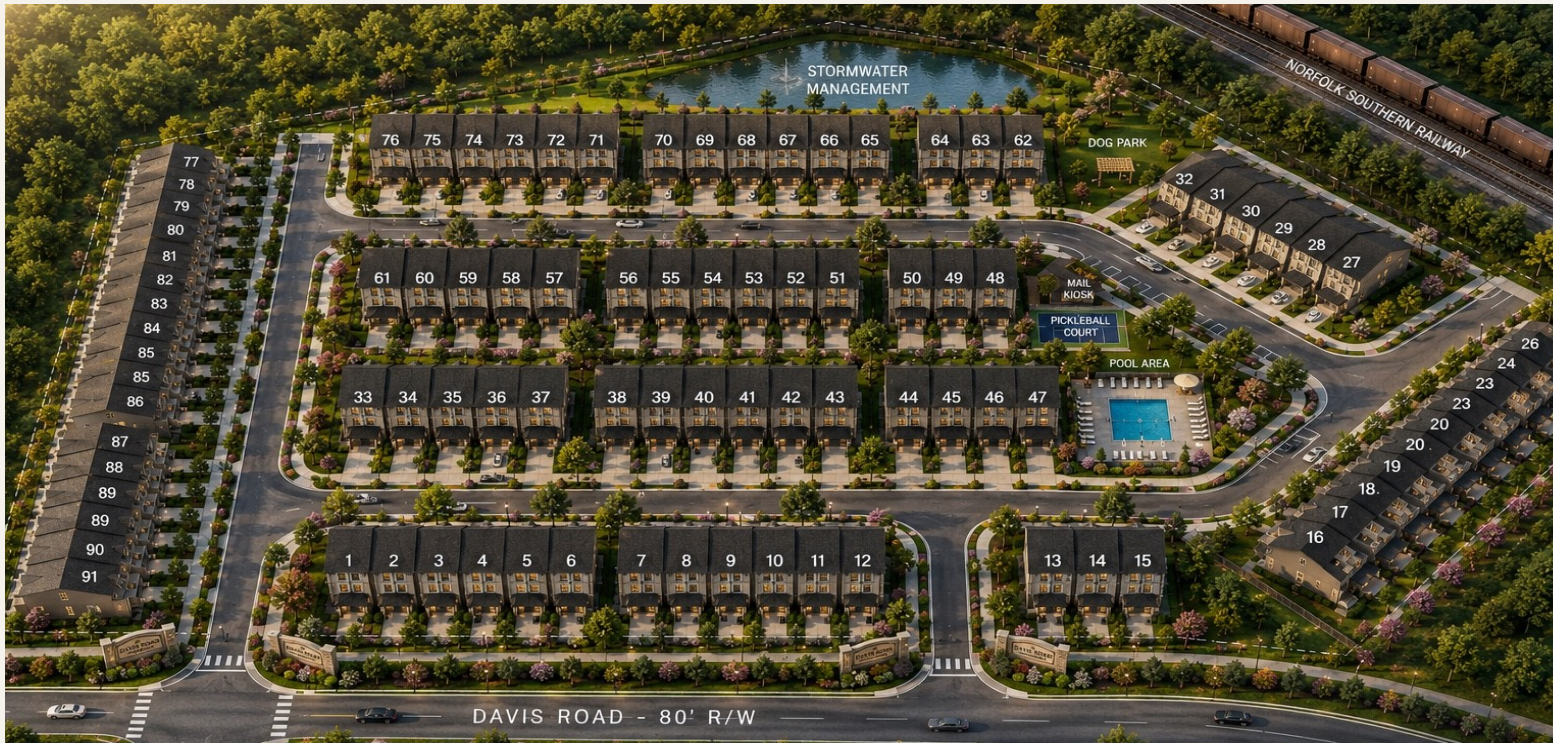
Primary frontage

Source: Zoning Modification Plan, 55 Valley Hill Rd / Davis Rd, Stockbridge, GA



A connected neighborhood organized around amenities

The plan uses looped internal streets, multiple open-space pockets and a central amenity area to create a cohesive residential environment.

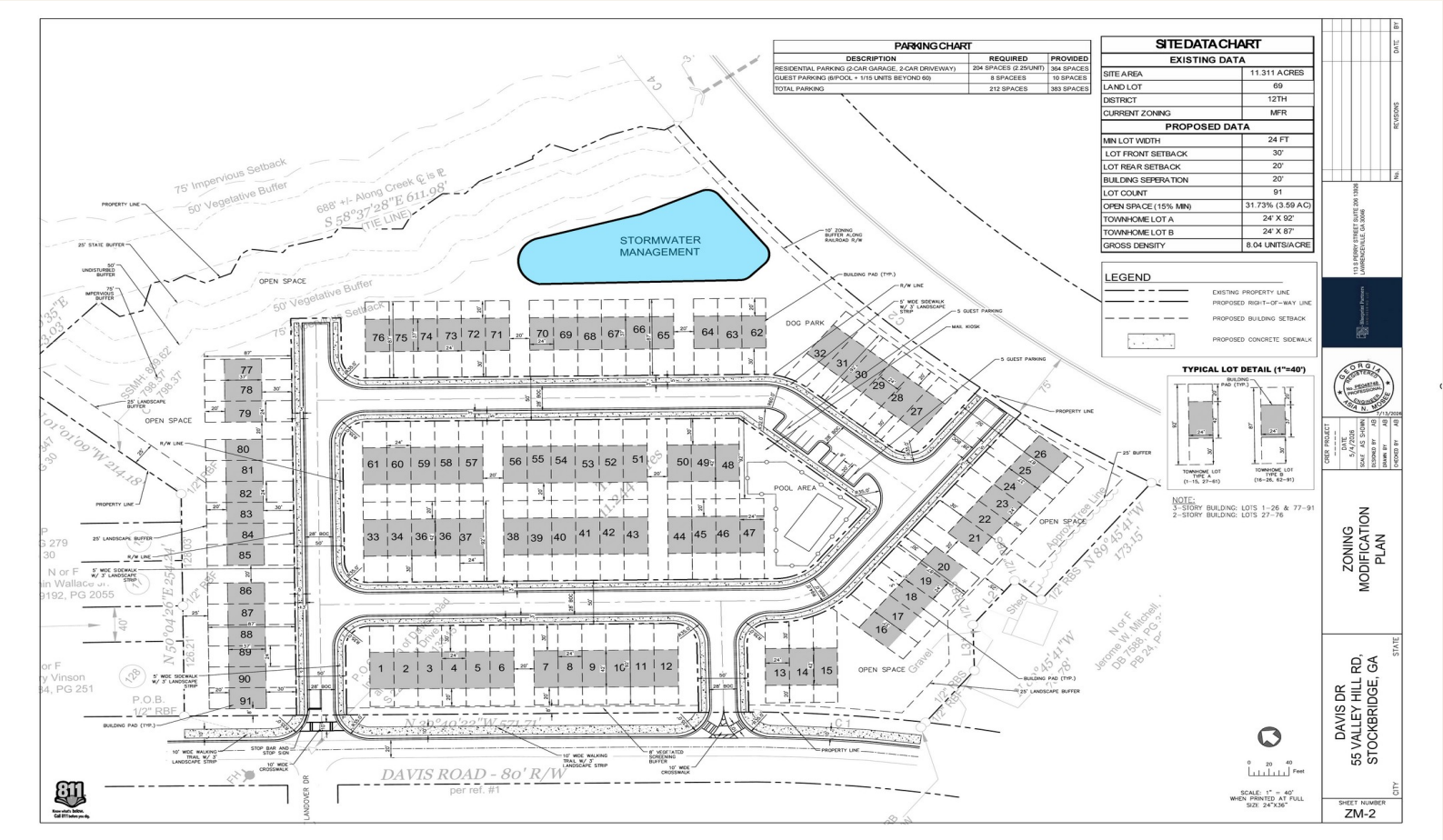


PLAN HIGHLIGHTS

- 91 townhome lots
- Pool and outdoor lounge area
- Pickleball court
- Dog park
- Walking connections and landscaped open space
- Stormwater management integrated at the north edge

Concept aligned to the submitted zoning modification plan

The official plan shows the townhome area concentrated along Davis Road, with the northern portion of the property identified separately for subdivision and sale.



SITE DATA

ADDRESS 55 Valley Hill Rd / Davis Rd

PRODUCT Townhomes

LOT COUNT 91

MIN. LOT WIDTH 24 ft

GROSS DENSITY 8.04 units/acre

STORMWATER Dedicated management area

Submitted zoning modification package dated July 13, 2026.

ARCHITECTURE

Modern townhomes with a timeless material palette

Brick-forward facades, dark window packages and varied roof forms establish a cohesive upscale streetscape.



DESIGN CHARACTER

- Brick and masonry-forward elevations
- Black garage doors and window frames
- Varied gables and rooflines
- Landscaped front entries
- Strong curb appeal at dusk and daytime

RESORT-STYLE AMENITIES

Designed to make the community feel like a destination

A central pool environment and recreation spaces create a strong lifestyle component for residents.



POOL • PICKLEBALL • DOG PARK •
TRAILS

COMMUNITY EXPERIENCE

More than housing — a complete neighborhood setting

The landscape, architecture and amenity program work together to create a distinctive sense of arrival and long-term community value.



BEAUTIFUL ARCHITECTURE • RESORT-STYLE AMENITIES • WALKING TRAILS • WELCOMING ENTRANCE

DAVIS ROAD TOWNHOMES

A modern residential community
envisioned for Stockbridge, Georgia.

91 TOWNHOMES | AMENITY-RICH | WALKABLE
COMMUNITY

SHREE DEVELOPERS GROUP

BEAUTIFUL ARCHITECTURE

Davis Road Townhomes - Stockbridge, GA



DAVIS ROAD TOWNHOMES

STOCKBRIDGE, GEORGIA

A thoughtfully designed residential community combining modern architecture, resort-style amenities and a walkable neighborhood plan.

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- 20 ft

Building separation
- Davis Rd

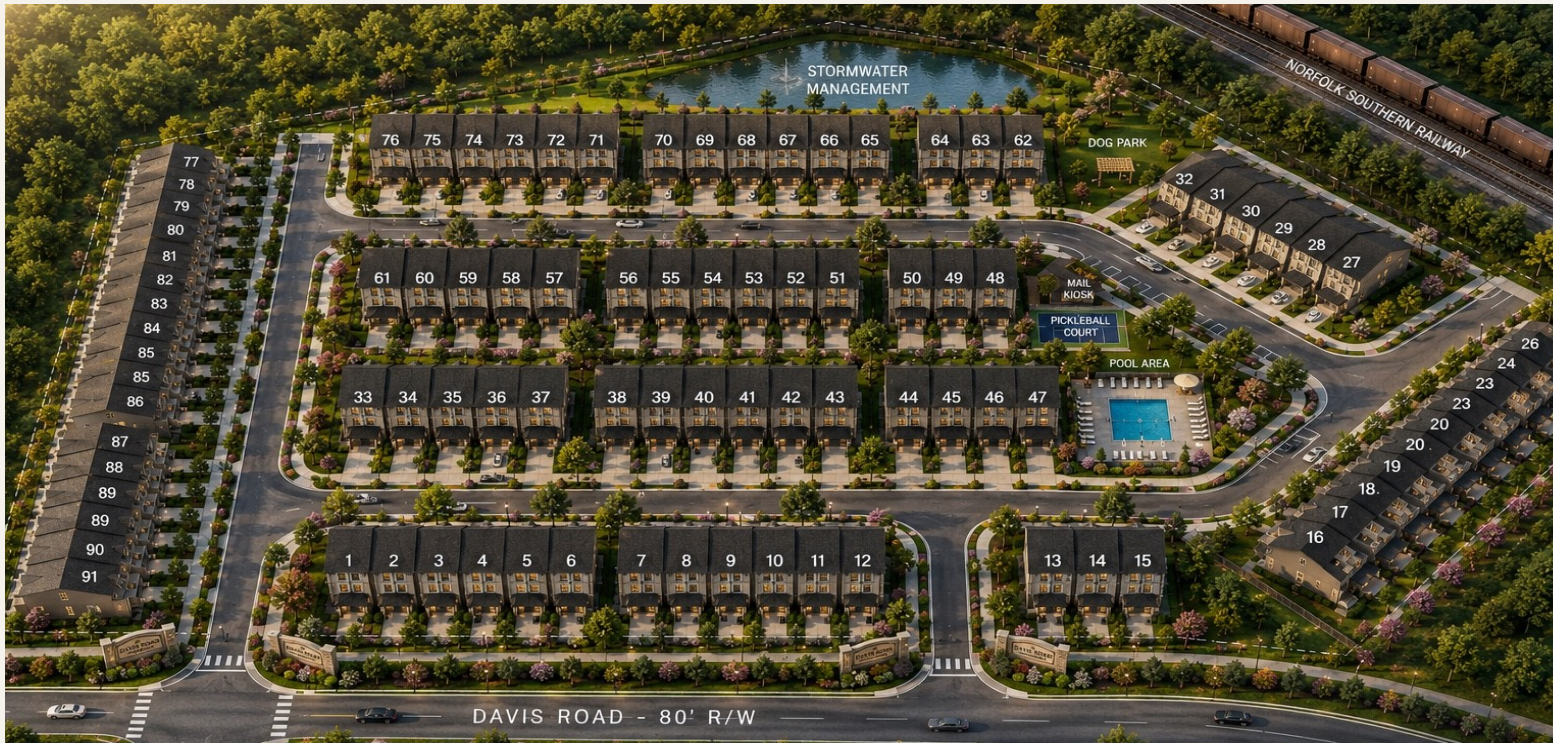
Primary frontage

Source: Zoning Modification Plan, 55 Valley Hill Rd / Davis Rd, Stockbridge, GA



A connected neighborhood organized around amenities

The plan uses looped internal streets, multiple open-space pockets and a central amenity area to create a cohesive residential environment.

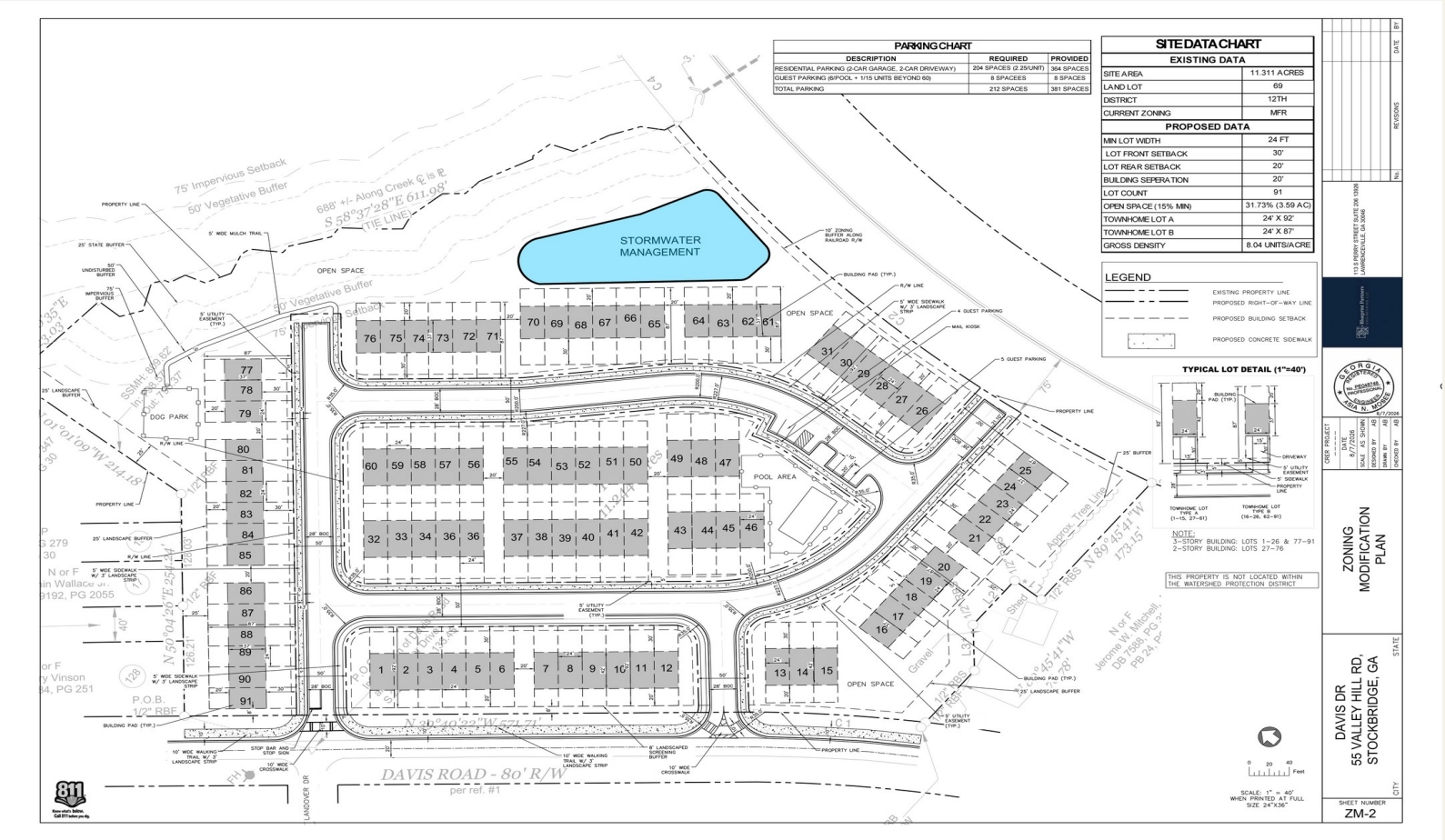


PLAN HIGHLIGHTS

- 91 townhome lots
- Pool and outdoor lounge area
- Dog park
- Walking connections and landscaped open space
- Stormwater management integrated at the north edge

Concept aligned to the submitted zoning modification plan

The official plan shows the townhome area concentrated along Davis Road, with the northern portion of the property identified separately for subdivision and sale.



SITE DATA

ADDRESS 55 Valley Hill Rd / Davis Rd

PRODUCT Townhomes

LOT COUNT 91

MIN. LOT WIDTH 24 ft

GROSS DENSITY 8.04 units/acre

Updated zoning modification plan dated August 7, 2026.

ARCHITECTURE

Modern townhomes with a timeless material palette

Brick-forward facades, dark window packages and varied roof forms establish a cohesive upscale streetscape.



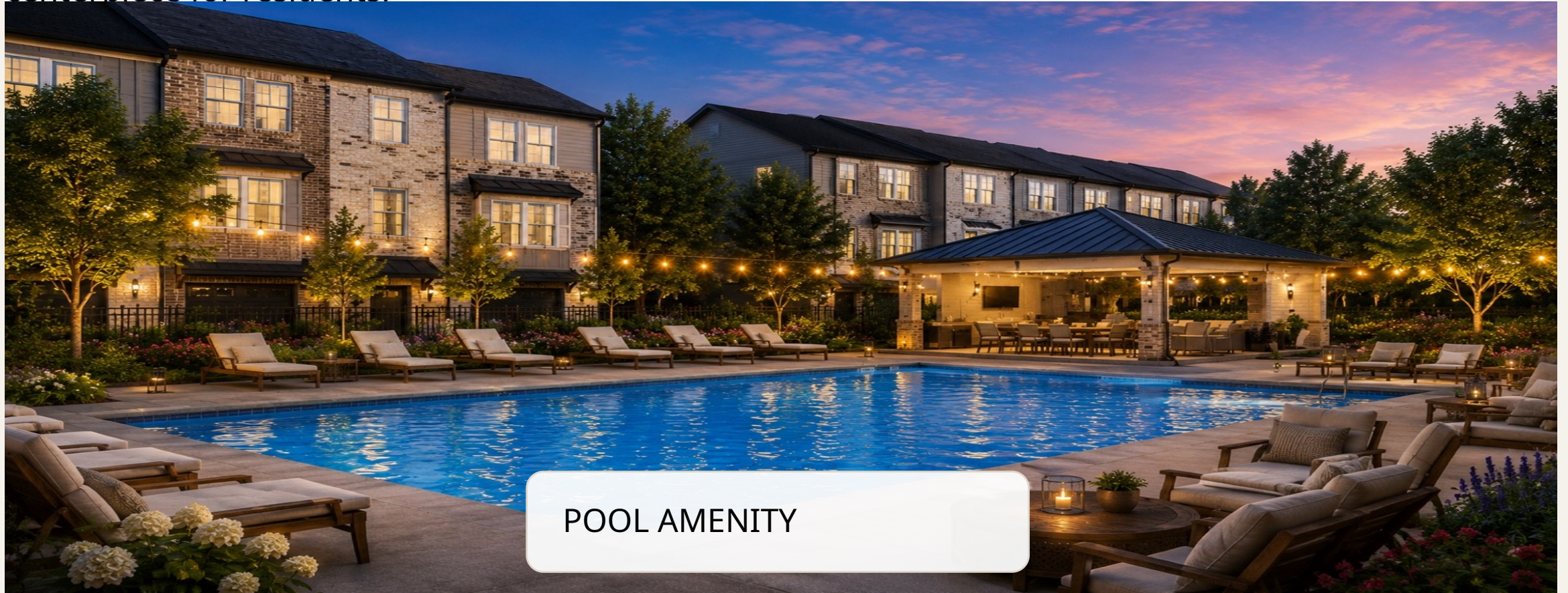
DESIGN CHARACTER

- Brick and masonry-forward elevations
- Black garage doors and window frames
- Varied gables and rooflines
- Landscaped front entries
- Strong curb appeal at dusk and daytime

RESORT-STYLE AMENITIES

A signature pool amenity designed for relaxation and community

The resort-style pool and lounge space create a strong lifestyle centerpiece for residents.



POOL AMENITY

More than housing — a complete neighborhood setting

The landscape, architecture and amenity program work together to create a distinctive sense of arrival and long-term community value.



BEAUTIFUL ARCHITECTURE • RESORT-STYLE AMENITIES • WALKING TRAILS • WELCOMING ENTRANCE

DAVIS ROAD TOWNHOMES

A modern residential community
envisioned for Stockbridge, Georgia.

91 TOWNHOMES | AMENITY-RICH | WALKABLE
COMMUNITY

SHREE DEVELOPERS GROUP

BEAUTIFUL ARCHITECTURE

Davis Road Townhomes - Stockbridge, GA



All that tract or parcel of land lying in Land Lot 69, 12th district, Henry County, Georgia, being more particularly described as follows:

Commencing at the intersection of Davis Road (50' R/W) and Landover Drive; thence, North 22 Degrees 23 Minutes 41 Seconds West to a ½" rebar on the Eastern Right of Way of Davis Road, said point being the True Point of Beginning; thence, leaving the Eastern Right of Way North 50 Degrees 04 Minutes 26 Seconds East a distance of 254.24 feet to a ½" rebar; thence, North 01 Degrees 01 Minutes 09 Seconds West a distance of 214.18 feet to a ½" rebar; thence, North 01 Degrees 01 Minutes 09 Seconds West a distance of 596.38 feet to a ½" rebar; thence, South 89 Degrees 11 Minutes 23 Seconds East a distance of 640.08 feet to a ½" rebar on the Southern Right of Way of Valley Hill Road (80' R/W); thence, following said Right of Way with a curve turning to the left with an arc length of 101.99 feet, with a radius of 621.24 feet, with a chord bearing of South 68 Degrees 27 Minutes 06 Seconds East, with a chord length of 101.88 feet, to a point; thence, South 73 Degrees 39 Minutes 05 Seconds East a distance of 190.41 feet to a point on the Western Right of Way of Norfolk Southern Railway (150' R/W); thence, following said Right of Way; thence, South 17 Degrees 01 Minutes 54 Seconds West a distance of 92.33 feet to a point; thence, South 18 Degrees 15 Minutes 06 Seconds West a distance of 510.57 feet to a point; thence, South 17 Degrees 44 Minutes 20 Seconds West a distance of 104.87 feet to a point; thence, South 16 Degrees 29 Minutes 44 Seconds West a distance of 61.12 feet to a point; thence, with a curve turning to the left with an arc length of 98.03 feet, with a radius of 2084.15 feet, with a chord bearing of South 15 Degrees 09 Minutes 31 Seconds West, with a chord length of 98.02 feet to a point; thence, following with a curve turning to the left with an arc length of 631.99 feet, with a radius of 1459.81 feet, with a chord bearing of South 01 Degrees 43 Minutes 48 Seconds West, with a chord length of 627.06 feet to a ¾" open top; thence, leaving the Western Right of Way of Norfolk Southern Railway North 89 Degrees 45 Minutes 41 Seconds West a distance of 173.15 feet to a ½" rebar; thence, North 00 Degrees 14 Minutes 19 Seconds East a distance of 34.40 feet to a ½" rebar; thence, North 89 Degrees 45 Minutes 41 Seconds West a distance of 65.55 feet to a ½" rebar; thence, South 49 Degrees 10 Minutes 24 Seconds West a distance of 52.37 feet to a ½" rebar; thence, North 89 Degrees 45 Minutes 41 Seconds West a distance of 76.78 feet to a ½" rebar on the Eastern Right of Way of Davis Road; thence, following said Right of Way with a curve turning to the left with an arc length of 168.92 feet, with a radius of 1458.40 feet, with a chord bearing of North 35 Degrees 11 Minutes 18 Seconds West, with a chord length of 168.82 feet to a point; thence, North 39 Degrees 40 Minutes 22 Seconds West a distance of 571.71 feet to a ½" rebar, said point being True Point of Beginning

Said Tract contains 24.841 Acres more or less

All that tract or parcel of land lying in Land Lot 69, 12th district, Henry County, Georgia, being more particularly described as follows:

Commencing at the intersection of Davis Road (50'R/W) and Landover Drive; thence, North 22 Degrees 23 Minutes 41 Seconds West to a ½" rebar on the Eastern Right of Way of Davis Road, said point being the True Point of Beginning; thence, leaving the Eastern Right of Way North 50 Degrees 04 Minutes 26 Seconds East a distance of 254.24 feet to a ½" rebar; thence, North 01 Degrees 01 Minutes 09 Seconds West a distance of 214.18 feet to a ½" rebar; thence, South 84 Degrees 40 Minutes 35 Seconds East a distance of 123.03 feet to a point in the centerline of a creek; thence, along the centerline of the creek in a southeasterly direction for a distance of 688' more or less to a point in the centerline of the creek, said creek being subtended by the following tie line, South 58 Degrees 37 Minutes 28 Seconds East a distance of 611.98 feet to a point on the Western Right of Way of Norfolk Southern Railway (150'R/W); thence, following said Right of Way with a curve turning to the left with an arc length of 631.99 feet, with a radius of 1459.81 feet, with a chord bearing of South 01 Degrees 43 Minutes 48 Seconds West, with a chord length of 627.06 feet to a ¾" open top; thence, leaving the Western Right of Way of Norfolk Southern Railway North 89 Degrees 45 Minutes 41 Seconds West a distance of 354.96 feet to a ½" rebar on the Eastern Right of Way of Davis Road; thence, following said Right of Way with a curve turning to the left with an arc length of 168.92 feet, with a radius of 1458.40 feet, with a chord bearing of North 35 Degrees 11 Minutes 18 Seconds West, with a chord length of 168.82 feet to a point; thence, North 39 Degrees 40 Minutes 22 Seconds West a distance of 571.71 feet to a ½" rebar, said point being True Point of Beginning

Said Tract contains 11.311 Acres more or less

Shree Real Estate Developers

5400 Laurel Springs Parkway

Suwanee, GA 30024

770-789-7044

Date: 7/14/2026

City of Stockbridge

Planning & Zoning Department

4640 North Henry Boulevard

Stockbridge, GA 30281

Re: Request for Modification to Site Plan approved on August 4, 2025

Former Project Address: 55 Valley Hill Rd

Dear Planning & Zoning Department,

This letter serves as a request for a modification to the previously approved site plan for the above-referenced property, which received approval on August 4, 2025.

The originally approved plan was for the development of a 24.908-acre parcel consisting of 149 townhome units. Since that approval, additional due diligence and site analysis have been performed. As a result, we have determined that a revised site plan is necessary to better respond to existing site conditions as well as community considerations.

We will be subdividing the existing property into two parcels and proceed with development on the southern portion of the site only and selling the northern portion of the site.

A significant factor influencing this revision is the presence of shallow rock across the majority of the northern portion of the property, which makes development in that area infeasible from both a practical and economic standpoint. The new site layout includes the following:

- **Revised Development Area (Southern Parcel):** 11.311 acres
- **Proposed Unit Count:** 91 townhomes
- **Zoning Classification:** MFR (Multifamily Residential)
- **Proposed Gross Density:** 8.04 units per acre
- **Amenities:** Swimming Pool, Dog Park, Mulch trail
- **Open Space:** 31.3% (15% min)

To ensure esthetic compatibility with adjacent single-family homes, we are proposing an enhanced 8-foot landscape buffer along the Davis Road frontage. This buffer will provide visual screening and create a more compatible transition between the proposed townhomes and the surrounding neighborhood.

This revised plan represents a thoughtful refinement of the originally approved development by reducing the overall intensity, responding to existing site constraints, and enhancing community

features. The proposed changes ensure the project remains consistent with the City's planning goals while improving compatibility with the surrounding area.

We respectfully request your review and approval of this site plan modification. Please feel free to contact us if additional information or clarification is needed.

Sincerely,
Yashesh Shah
Shree Real Estate Developers

Shree Real Estate Developers

5400 Laurel Springs Parkway

Suwanee, GA 30024

770-789-7044

Date: 6/23/2026

City of Stockbridge

Planning & Zoning Department

4640 North Henry Boulevard

Stockbridge, GA 30281

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We are proposing to subdivide the existing property into two parcels and proceed with development on the southern portion of the site, while no longer developing the northern portion at this time.

A significant factor influencing this revision is the presence of shallow rock across the majority of the northern portion of the property, which makes development in that area infeasible from both a practical and economic standpoint. The new site layout includes the following:

- **Revised Development Area (Southern Parcel):** 11.311 acres
- **Proposed Unit Count:** 91 townhomes
- **Zoning Classification:** MFR (Multifamily Residential)
- **Proposed Gross Density:** 8.04 units per acre
- **Amenities:** Swimming Pool, Pickle Ball Court, and Dog Park
- **Open Space:** 31.3% (15% min)

To ensure esthetic compatibility with adjacent single-family homes, we are proposing an enhanced 8-foot landscape buffer along the Davis Road frontage. This buffer will provide visual screening and create a more compatible transition between the proposed townhomes and the surrounding neighborhood.

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Shree Real Estate Developers

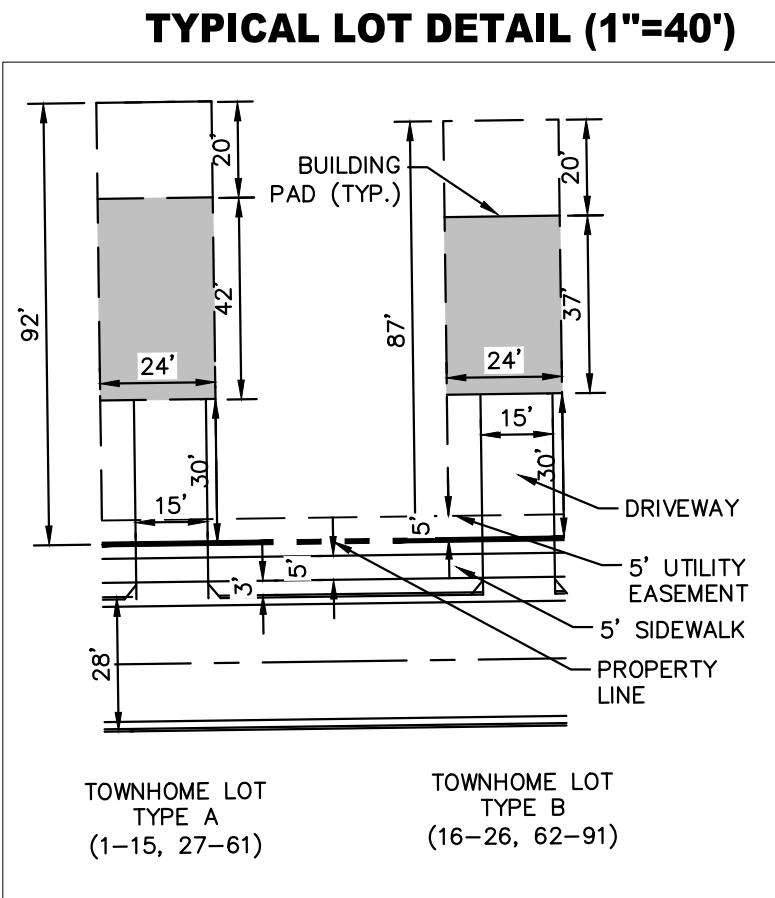




SITE DATA CHART	
EXISTING DATA	
SITE AREA	11.311 ACRES
LAND LOT	69
DISTRICT	12TH
CURRENT ZONING	MFR
PROPOSED DATA	
MIN LOT WIDTH	24 FT
LOT FRONT SETBACK	30'
LOT REAR SETBACK	20'
BUILDING SEPERATION	20'
LOT COUNT	91
OPEN SPACE (15% MIN)	31.73% (3.59 AC)
TOWNHOME LOT A	24' X 92'
TOWNHOME LOT B	24' X 87'
GROSS DENSITY	8.04 UNITS/ACRE

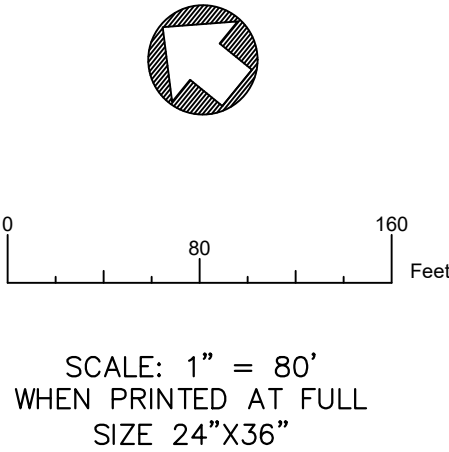
LEGEND

	EXISTING PROPERTY LINE
	PROPOSED RIGHT-OF-WAY LINE
	PROPOSED BUILDING SETBACK
	PROPOSED CONCRETE SIDEWALK

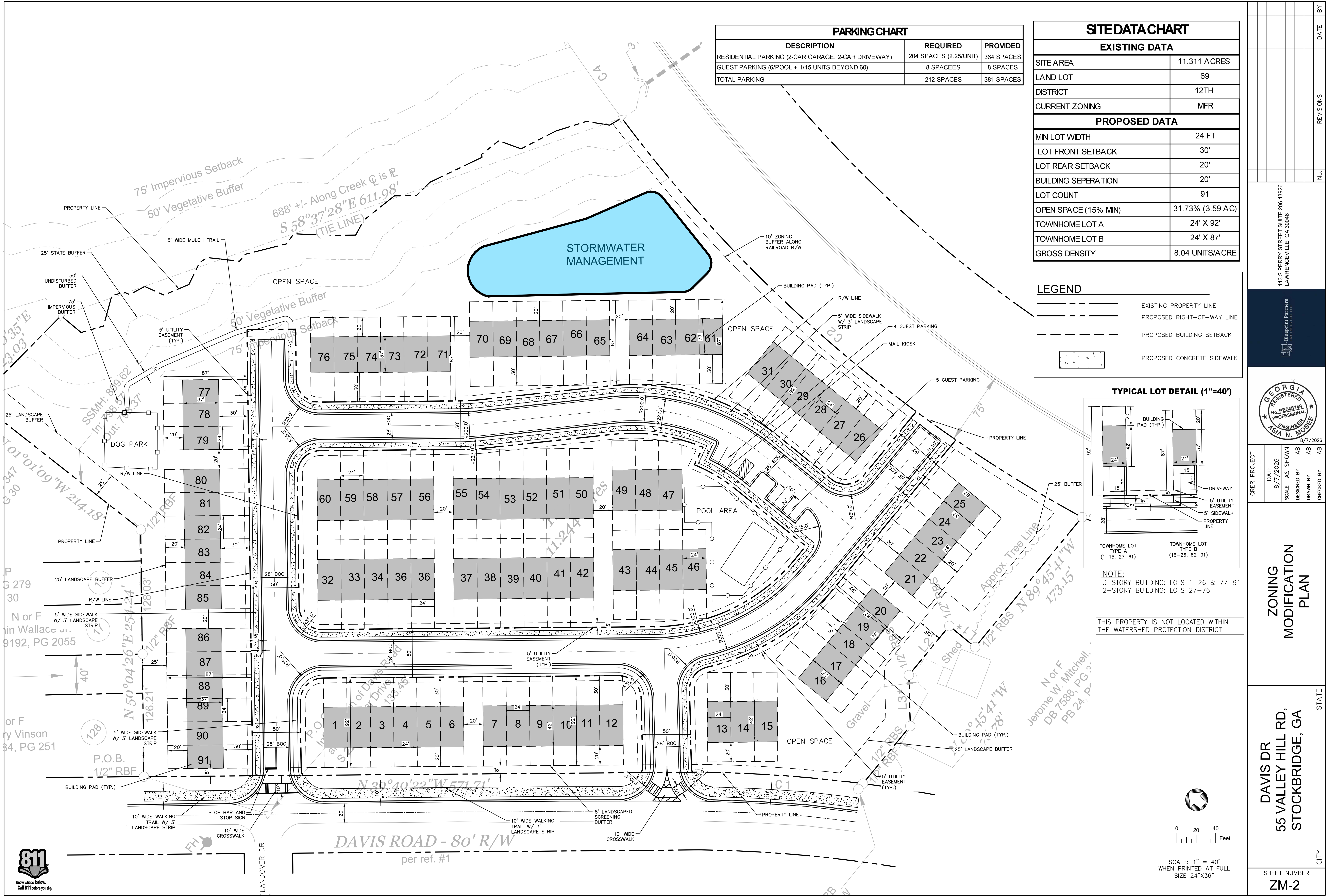


NOTE:
3-STORY BUILDING: LOTS 1-26 & 77-91
2-STORY BUILDING: LOTS 27-76

THIS PROPERTY IS NOT LOCATED WITHIN
THE WATERSHED PROTECTION DISTRICT



SHEET NUMBER		ZM-1	
DAVIS DR 55 VALLEY HILL RD, STOCKBRIDGE, GA		STATE	
OVERALL OVERALL ZONING MODIFICATION PLAN		CRER PROJECT	
		DATE 8/7/2026	
		SCALE AS SHOWN	AB
		DESIGNED BY	AB
		DRAWN BY	AB
		CHECKED BY	AB
			
			
		113 S PERRY STREET SUITE 206 13926 LAWRENCEVILLE, GA 30046	
		No.	
		REVISIONS	
		DATE	
		BY	

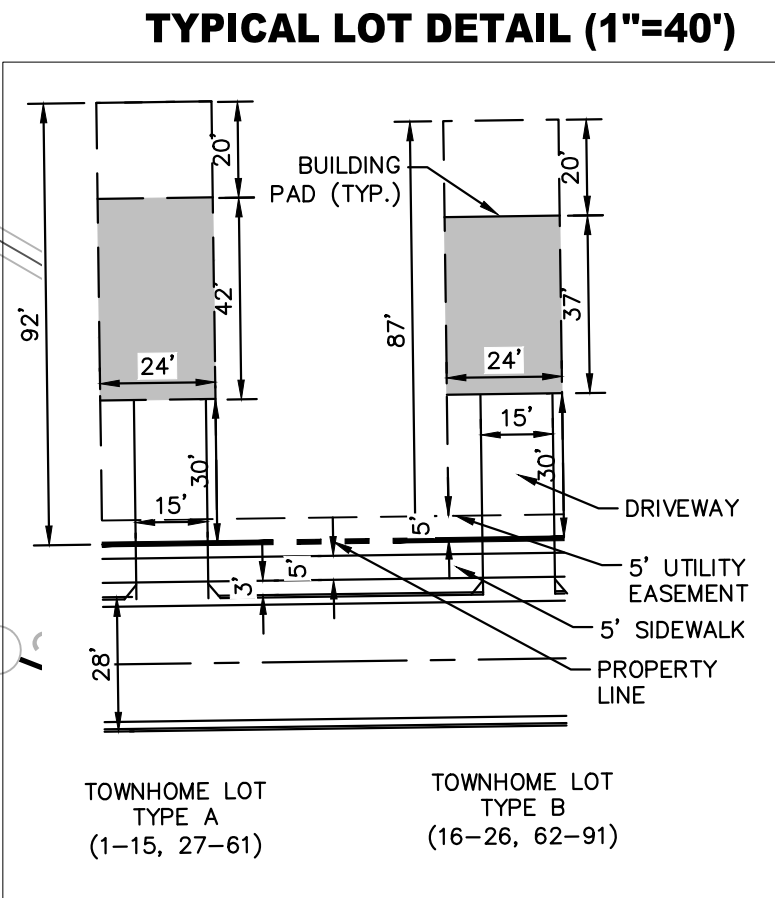


PARKING CHART		
DESCRIPTION	REQUIRED	PROVIDED
RESIDENTIAL PARKING (2-CAR GARAGE, 2-CAR DRIVEWAY)	204 SPACES (2.25/UNIT)	364 SPACES
GUEST PARKING (6/POOL + 1/15 UNITS BEYOND 60)	8 SPACES	8 SPACES
TOTAL PARKING	212 SPACES	381 SPACES

SITE DATA CHART	
EXISTING DATA	
SITE AREA	11.311 ACRES
LAND LOT	69
DISTRICT	12TH
CURRENT ZONING	MFR
PROPOSED DATA	
MIN LOT WIDTH	24 FT
LOT FRONT SETBACK	30'
LOT REAR SETBACK	20'
BUILDING SEPERATION	20'
LOT COUNT	91
OPEN SPACE (15% MIN)	31.73% (3.59 AC)
TOWNHOME LOT A	24' X 92'
TOWNHOME LOT B	24' X 87'
GROSS DENSITY	8.04 UNITS/ACRE

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPOSED BUILDING SETBACK
- PROPOSED CONCRETE SIDEWALK



NOTE:
3-STORY BUILDING: LOTS 1-26 & 77-91
2-STORY BUILDING: LOTS 27-76

THIS PROPERTY IS NOT LOCATED WITHIN THE WATERSHED PROTECTION DISTRICT

CRER PROJECT

DATE 8/7/2026

SCALE AS SHOWN

DESIGNED BY AB

DRAWN BY AB

CHECKED BY

113 S PERRY STREET SUITE 206 13926

LAWRENCEVILLE, GA 30046

Blueprint Partners

PROFESSIONAL ENGINEER

ASIA N. MOSEE

8/7/2026

ZONING MODIFICATION PLAN

DAVIS DR

55 VALLEY HILL RD,

STOCKBRIDGE, GA

STATE

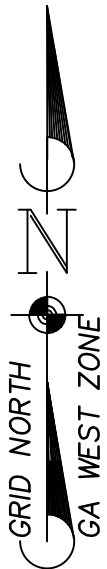
CITY

SHEET NUMBER

ZM-2



CLERK OF THE COURT FILING INFORMATION



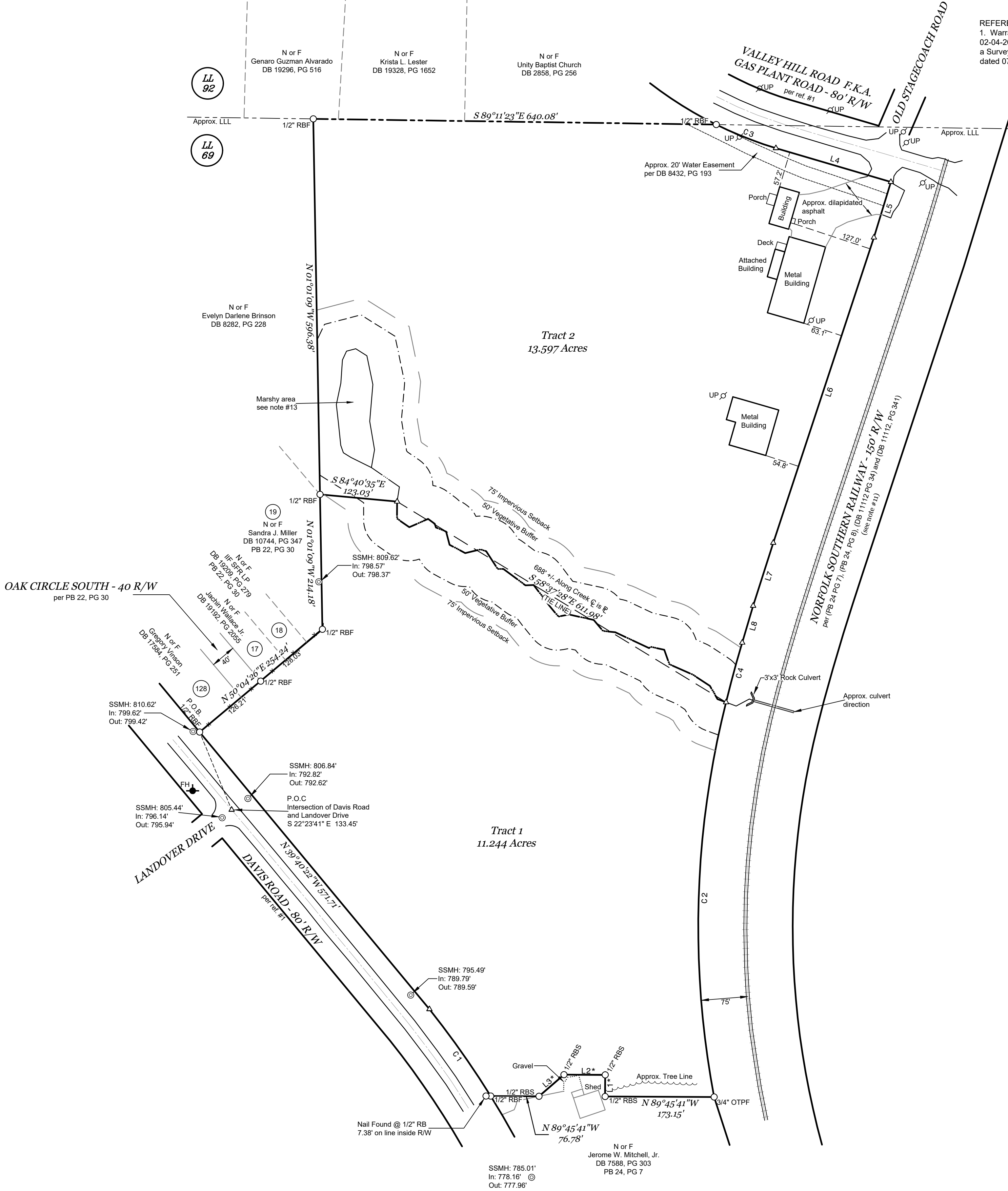
Course	Bearing	Distance
C1	Rad: 1458.40' Tan: 84.55' Chd: N 35°11'18" W	A: 168.92' CA: 6°38'10" 168.82'
C2	Rad: 1459.81' Tan: 321.02' Chd: S 01°43'48" W	A: 631.99' CA: 24°48'17" 627.06'
C3	Rad: 621.24' Tan: 51.11' Chd: S 68°27'06" E	A: 101.99' CA: 9°24'24" 101.88'
C4	Rad: 2084.15' Tan: 49.03' Chd: S 15°09'31" W	A: 98.03' CA: 2°41'42" 98.02'

Course	Bearing	Distance
L1*	N 00°14'19" E	34.40'
L2*	N 89°45'41" W	65.55'
L3*	S 49°10'24" W	52.37'
L4	S 73°39'05" E	190.41'
L5	S 17°01'54" W	92.33'
L6	S 18°15'06" W	510.57'
L7	S 17°44'20" W	104.87'
L8	S 16°29'44" W	61.12'

* New property line created to convey area to adjacent owner.

- NOTES:
- Field Data: This survey was conducted using GPS, static and real time kinematic methods. A relative positional precision, for horizontal measurements, of less than 0.07" + 50ppm at the 95% confidence interval was achieved.
 - Field Measurements were taken with a Carlson BRX7, dual frequency receiver base station and rover on 05-28-2026, 05-29-2026 and were adjusted using the Least Squares Method.
 - Bearings are based on Grid North, Ga West Zone, NAD 83 and established using a Carlson BRX7, dual frequency receiver base station and rover.
 - Plat Precision: 1/359.594'; Tract 2: 1/736.403'.
 - The public records referenced herein reflect only those records necessary to establish the boundaries hereon, and reference to the same does not and is not intended to constitute a title search or title opinion.
 - This property is not located in a Flood Hazard Area as indicated on F.I.R.M. No. 13151C0086D, dated 10-06-2016.
 - Building setbacks and buffers may not be shown hereon. They are governed by the local jurisdiction and should be confirmed prior to land planning or construction activities.
 - Tax Parcel: S16-01006000
 - Zoning: MFR
 - UTILITIES NOTE: The locations of underground utilities shown hereon are approximate and are based on above ground evidence. The location, type, size, depth, and existence of all underground utilities should be field verified prior to any construction related activities.
 - RIGHT OF WAY NOTE: PB 6, PG 47 labels the railway right of way with a width of 180 feet. However, the measurements provided in PB 6, PG 47, iron pins found in the field, and adjoining property records indicate that the railway right of way is 150 feet wide. A title analysis is recommended to confirm the right of way width for the railway.
 - Elevations are based on NAVD88 and were established using a Carlson BRX7, dual frequency receiver base station and rover. GPS positions were solved using the NOAA Online Positioning User Service.
 - Evidence of state waters was observed during the course of this survey. However, should a qualified environmental engineer or county agency determine that state waters do exist, county and state buffers will apply.

- REFERENCES:
- Warranty Deed granted to OTAC Development Group, LLC, dated 02-04-2013, recorded in Deed Book 12947, Page 251-253, further described on a Survey for Richard A. Holcomb, by Metro Engineering and Surveying Co., Inc., dated 07-25-1974, and recorded in Plat Book 6, Page 47.



SURVEYOR'S CERTIFICATE:
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Neil A. McWhorter, GA RLS # 2644
K.E.Q., Inc. Certificate of Authorization Number LSF000275



LEGEND	
OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RBF	Rebar Found
RBS	Rebar Set
B/L	Building Line
DB	Dead Book
PB	Plot Book
UP	Utility Pole
R/W	Right-of-Way
N or F	Now or Formerly
P	Property Line
C	Center Line
L.L.L.	Land Lot Line
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
P.O.L	Point On Line
USACE	U.S. Army Corps of Eng.
- - -	Land Lot Line
- x -	Fence
- - -	Overhead Wire
- - -	Not to Scale
- - -	Calculated Point
- - -	Water Meter

0 100 200 300 400
SCALE: 1" = 100'

Revised 07-10-2026 to address county comments and add parent parcel.

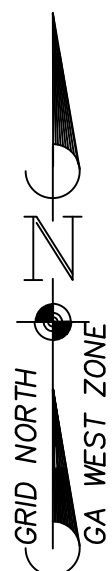
Minor Plat for:

SHREE DEVELOPMENT

Land Lot 69, 12th Dist.
City of Stockbridge, Henry County, Georgia
06-03-2026

McWhorter & Anderson
LAND SURVEYING & CIVIL ENGINEERING

416 Pirkle Ferry Road
Building H, Unit 300
Cumming, GA 30040
(770) 889-9430
www.mga-se.com
© K.E.Q., Inc. 2026
FILE: 13499



CLERK OF THE COURT FILING INFORMATION

LEGAL DESCRIPTION - SUBJECT PARCEL (SURVEYED LEGAL)

All that tract or parcel of land lying in Land Lot 69, 12th district, Henry County, Georgia, being more particularly described as follows:

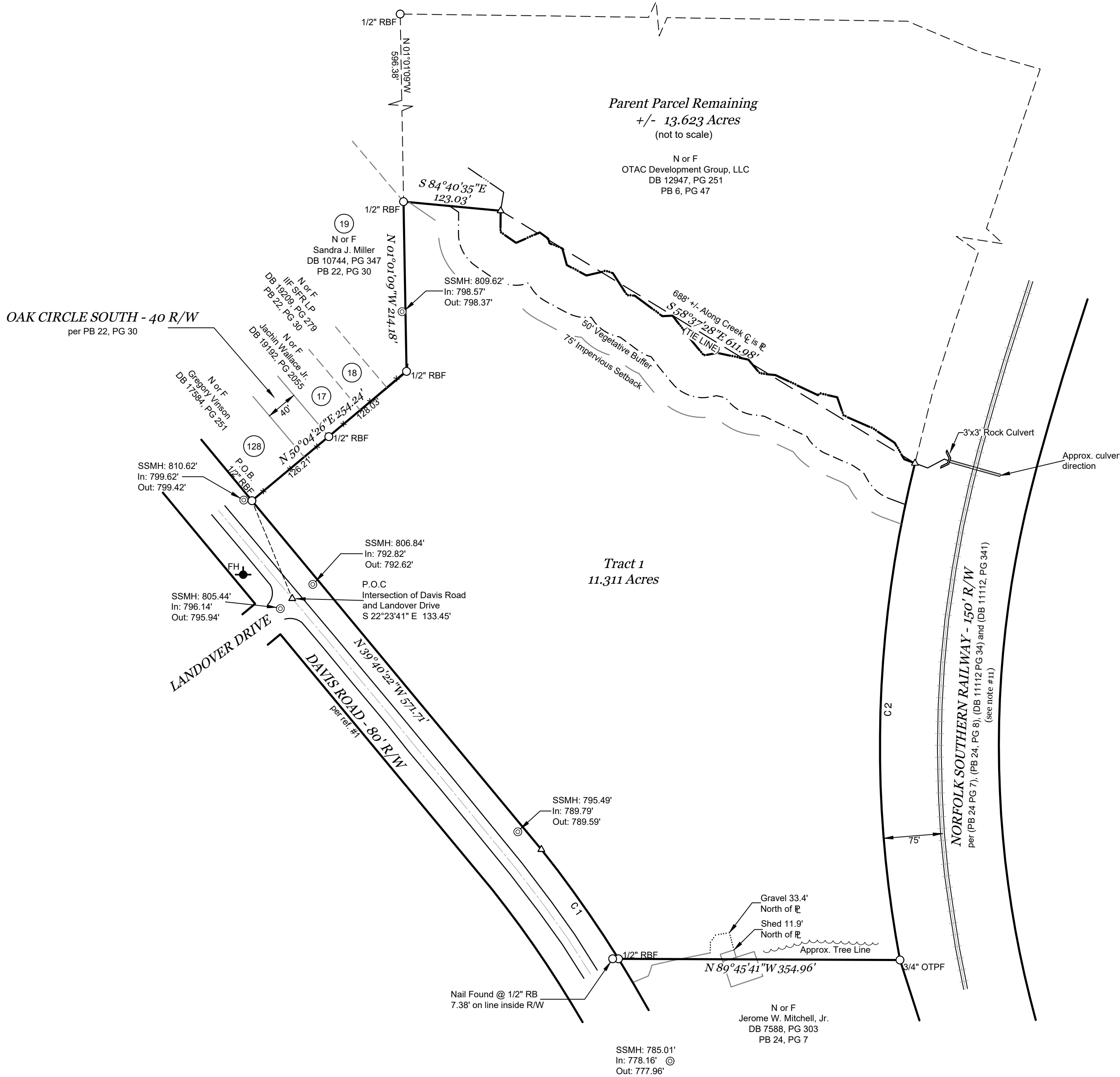
Commencing at the intersection of Davis Road (S0°RW) and Landover Drive; thence, North 22 Degrees 23 Minutes 41 Seconds West to a 1/2" rebar on the Eastern Right of Way of Davis Road, said point being the True Point of Beginning; thence, leaving the Eastern Right of Way North 50 Degrees 04 Minutes 26 Seconds East a distance of 254.24 feet to a 1/2" rebar; thence, North 01 Degrees 01 Minutes 09 Seconds West a distance of 214.18 feet to a 1/2" rebar; thence, South 84 Degrees 40 Minutes 35 Seconds East a distance of 123.03 feet to a point in the centerline of a creek; thence, along the centerline of the creek in a southeasterly direction for a distance of 688' more or less to a point in the centerline of the creek, said creek being subtended by the following tie line, South 58 Degrees 37 Minutes 28 Seconds East a distance of 611.98 feet to a point on the Western Right of Way of Norfolk Southern Railway (150°RW); thence, following said Right of Way with a curve turning to the left with an arc length of 631.99 feet, with a radius of 1459.81 feet, with a chord bearing of South 01 Degrees 43 Minutes 48 Seconds West, with a chord length of 627.06 feet to a 1/2" open top; thence, leaving the Western Right of Way of Norfolk Southern Railway North 89 Degrees 45 Minutes 41 Seconds West a distance of 354.96 feet to a 1/2" rebar on the Eastern Right of Way of Davis Road; thence, following said Right of Way with a curve turning to the left with an arc length of 168.92 feet, with a radius of 1458.40 feet, with a chord bearing of North 35 Degrees 11 Minutes 18 Seconds West, with a chord length of 168.82 feet to a point; thence, North 39 Degrees 40 Minutes 22 Seconds West a distance of 571.71 feet to a 1/2" rebar, said point being True Point of Beginning

Said Tract contains 11.311 Acres more or less

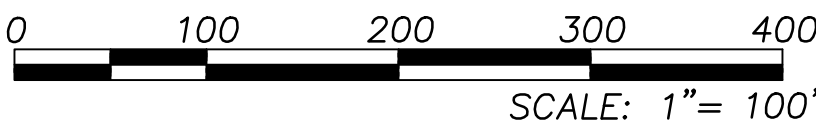
LEGAL DESCRIPTION - PARENT PARCEL - DEED BOOK 12947, PAGE 251-253 (RECORD LEGAL)

All that tract or parcel of land lying and being in Land Lot 69 of the 12th District, Henry County, Georgia, being Tract 1-A, containing 10.00 acres, more or less, together with Tract 1-B, containing 11.62 acres, more or less, together with Tract 2, containing 3.34 acres, more or less, (for a total of 24.96 acres, more or less) as per plat recorded in Plat Book 6, Page 47, Henry County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 55 Valley Hill Road according to the present system of numbering property in Henry County, Georgia.

Course	Bearing	Distance
C1	Rad: 1458.40' Tan: 84.55' Chd: N 35°11'18" W	A: 168.92' CA: 6°38'10" 168.82'
C2	Rad: 1459.81' Tan: 321.02' Chd: S 01°43'48" W	A: 631.99' CA: 24°48'17" 627.06'



LEGEND	
OTPF	Open Top Pin Found
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CTPS	Crimp Top Pin Set
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UP	Utility Pole
R/W	Right-of-Way
N or F	Now or Formerly
PL	Property Line
CL	Center Line
L.L.L.	Land Lot Line
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
P.O.L.	Point On Line
USACE	U.S. Army Corps of Eng.
---	Land Lot Line
---	Fence
---	Overhead Wire
---	Not to Scale
---	Calculated Point
---	Water Meter



- NOTES:
- Field Data: This survey was conducted using GPS, static and real time kinematic methods. A relative positional precision, for horizontal measurements, of less than 0.07' + 50ppm at the 95% confidence interval was achieved.
 - Field Measurements were taken with a Carlson BRx7, dual frequency receiver base station and rover on 05-28-2026, 05-29-2026 and were adjusted using the Least Squares Method.
 - Bearings are based on Grid North, Ga West Zone, NAD 83 and established using a Carlson BRx7, dual frequency receiver base station and rover.
 - Plat Precision: 1/1,144,583'.
 - The public records referenced hereon reflect only those records necessary to establish the boundaries hereon, and reference to the same does not and is not intended to constitute a title search or title opinion.
 - This property is not located in a Flood Hazard Area as indicated on F.I.R.M. No. 13151C0086D, dated 10-06-2016.
 - Building setbacks and buffers may not be shown hereon. They are governed by the local jurisdiction and should be confirmed prior to land planning or construction activities.
 - Tax Parcel: S16-01006000
Address: 55 Valley Hill Road, Stockbridge, GA, 30281
 - Zoning: MFR
 - UTILITIES NOTE: The locations of underground utilities shown hereon are approximate and are based on above ground evidence. The location, type, size, depth, and existence of all underground utilities should be field verified prior to any construction related activities.
 - RIGHT OF WAY NOTE: PB 6, PG 47 labels the railway right of way with a width of 180 feet. However, the measurements provided in PB 6, PG 47, iron pins found in the field, and adjoining property records indicate that the railway right of way is 150 feet wide. A title analysis is recommended to confirm the right of way width for the railway.
 - Elevations are based on NAVD88 and were established using a Carlson BRx7, dual frequency receiver base station and rover. GPS positions were solved using the NOAA Online Positioning User Service.

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Stewart Title Guaranty Company

Commitment No.:

Commitment Date:

ALTA Owners Policy (2026)

Proposed Insured: Shree Real Estate Developers LLC

Schedule B-II Exceptions

- Water Easement to Clayton County Water Authority dated February 3, 2005 and recorded in Deed Book 8432, Page 193, Henry County, Georgia Records. Easement does not affect the subject property.
- Easement to Georgia Power Company dated August 8, 1975 and recorded in Deed Book 246, Page 122, Henry County, Georgia Records. Easement is blanket in nature and the deed does not contain enough information to determine a location.
- Any and all matters as disclosed by plat of survey recorded in Plat Book 6, Page 47, Henry County, Georgia Records. Plat affects the subject property show hereon.

SURVEYOR'S CERTIFICATE:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

SURVEYOR'S CERTIFICATE (ALTA/NSPS):

To: Shree Real Estate Developers LLC & Stewart Title Guaranty Company
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2026 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 7a, 8, 9, 11a and 13 of Table A thereof. The fieldwork was completed on 05-28-2026 and 05-29-2026.
Date of Plat or Map: 06-18-2026

Neil A. McWhorter
Neil A. McWhorter, GA RLS # 2644
K.E.Q., Inc. Certificate of Authorization Number LSF000275

ALTA/NSPS Land Title Survey, for:
SHREE REAL ESTATE DEVELOPERS LLC & STEWART TITLE GUARANTY COMPANY
Land Lot 69, 12th Dist.
City of Stockbridge, Henry County, Georgia
06-18-2026

416 Pirkle Ferry Road
Building H, Unit 300
Cumming, GA 30040
(770) 889-9430
www.mga-se.com

McWhorter & Anderson
LAND SURVEYING & CIVIL ENGINEERING



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FILE: 13499-ALTA



Traffic Impact Study

Davis Road Townhomes

Stockbridge, Georgia

Report Prepared:

September 2026

Prepared for:

Shree Developers Group, LLC



Prepared by:

Kimley»Horn

Kimley-Horn and Associates, Inc.
1200 Peachtree Street, Suite 800
Atlanta, GA 30309
September 2026
PROJECT #017511002

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Davis Road Townhomes

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1.0 INTRODUCTION

This report presents the analysis of the anticipated traffic impacts associated with the *Davis Road Townhome* development, which is expected to be completed in 2029 (referred to herein as Build Year or “build-out year”). As currently envisioned, the development will consist of approximately 91 townhome residential units. The approximate 11.3-acre site is located to the northeast of Davis Road across from Landover Drive in the city of Stockbridge, Georgia. The proposed development will be served by two (2) proposed driveways, one of which will connect to the existing side-street stop-controlled intersection of Davis Road at Landover Drive as a new fourth leg, while the other one connects to Davis Road approximately 400 feet southeast of this intersection.

This report will summarize the analyses of the following three (3) scenarios:

1. Existing 2026 Traffic Conditions
2. 2029 No-Build Traffic Conditions
3. 2029 Build Traffic Conditions

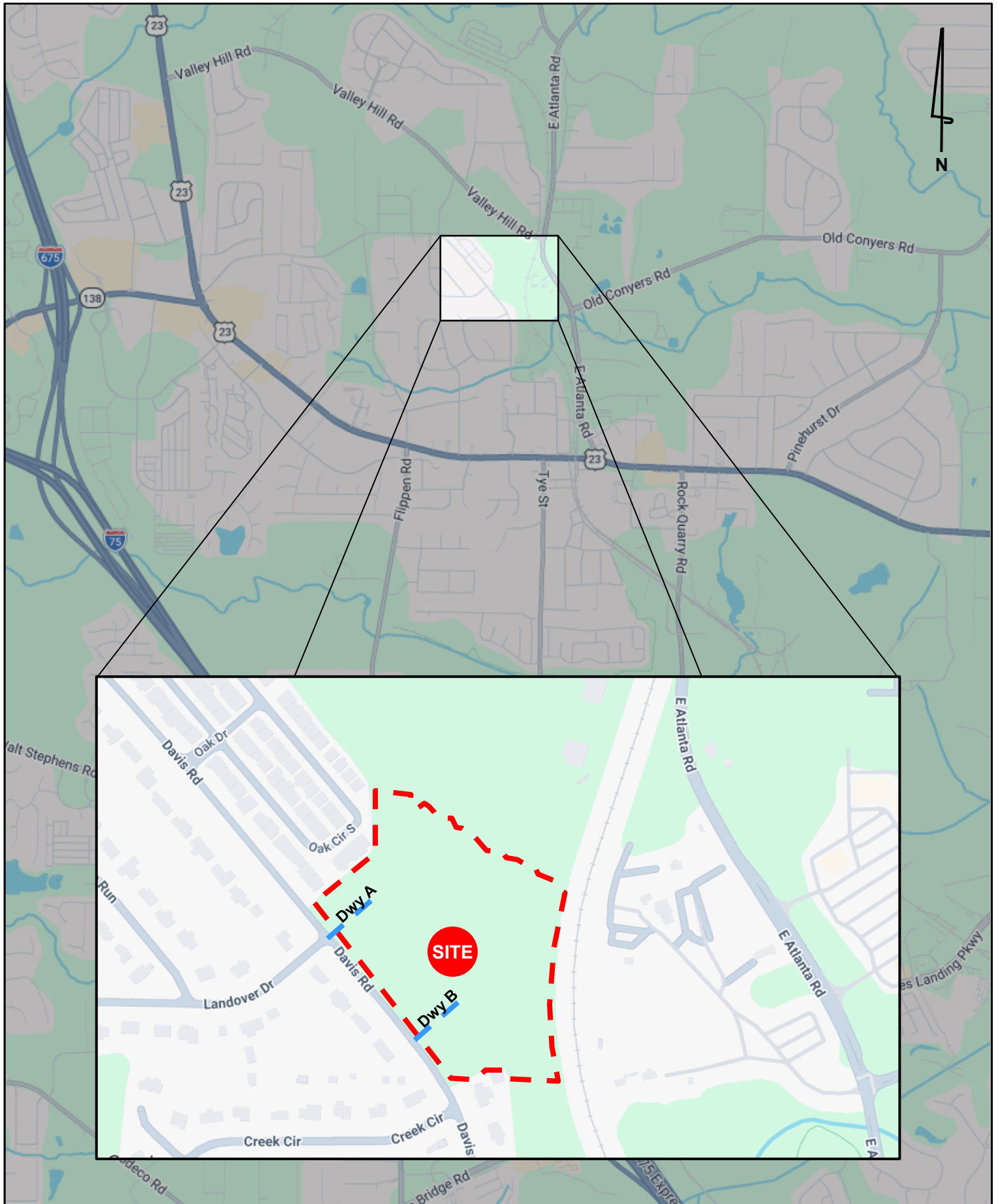
Figure 1 provides a location map of the project site. **Figure 2** provides an aerial image that captures the project site and the study roadway network. A site plan is also included in **Appendix A**.

2.0 STUDY AREA DETERMINATION

The study area consists of the following intersections:

1. Davis Road at Landover Drive/Proposed Driveway A
2. Davis Road at Proposed Driveway B

This analysis considers Davis Road as having a north-south orientation and Landover Drive and site driveways as having an east-west orientation.





3.0 EXISTING TRAFFIC CONDITIONS

3.1 ROADWAY CONDITIONS

Davis Road is an undivided two-lane local road with a posted speed limit of 35 MPH. GDOT counts taken at Estates Avenue northwest of the site indicated an annual average daily traffic (AADT) volume of approximately 4,620 vehicles per day in 2025.

Landover Drive is an undivided two-lane local road with a posted speed limit of 30 MPH. Additionally, there are no GDOT count stations along Landover Drive.

3.2 VEHICULAR VOLUMES

Intersection turning movement volume counts were collected while schools were in session on Thursday August 27, 2026, during the AM period (7:00 AM to 9:00 AM) and the PM period (4:00 PM to 6:00 PM). The AM and PM peak hours for the one (1) existing study intersection are shown in **Table 1**. Complete traffic count data is provided in **Appendix B**.

Table 1: Peak Hour Summary		
Intersection	AM Peak Hour	PM Peak Hour
1. Davis Road at Landover Drive/Proposed Driveway A	7:15 AM - 8:15 AM	5:00 PM – 6:00 PM

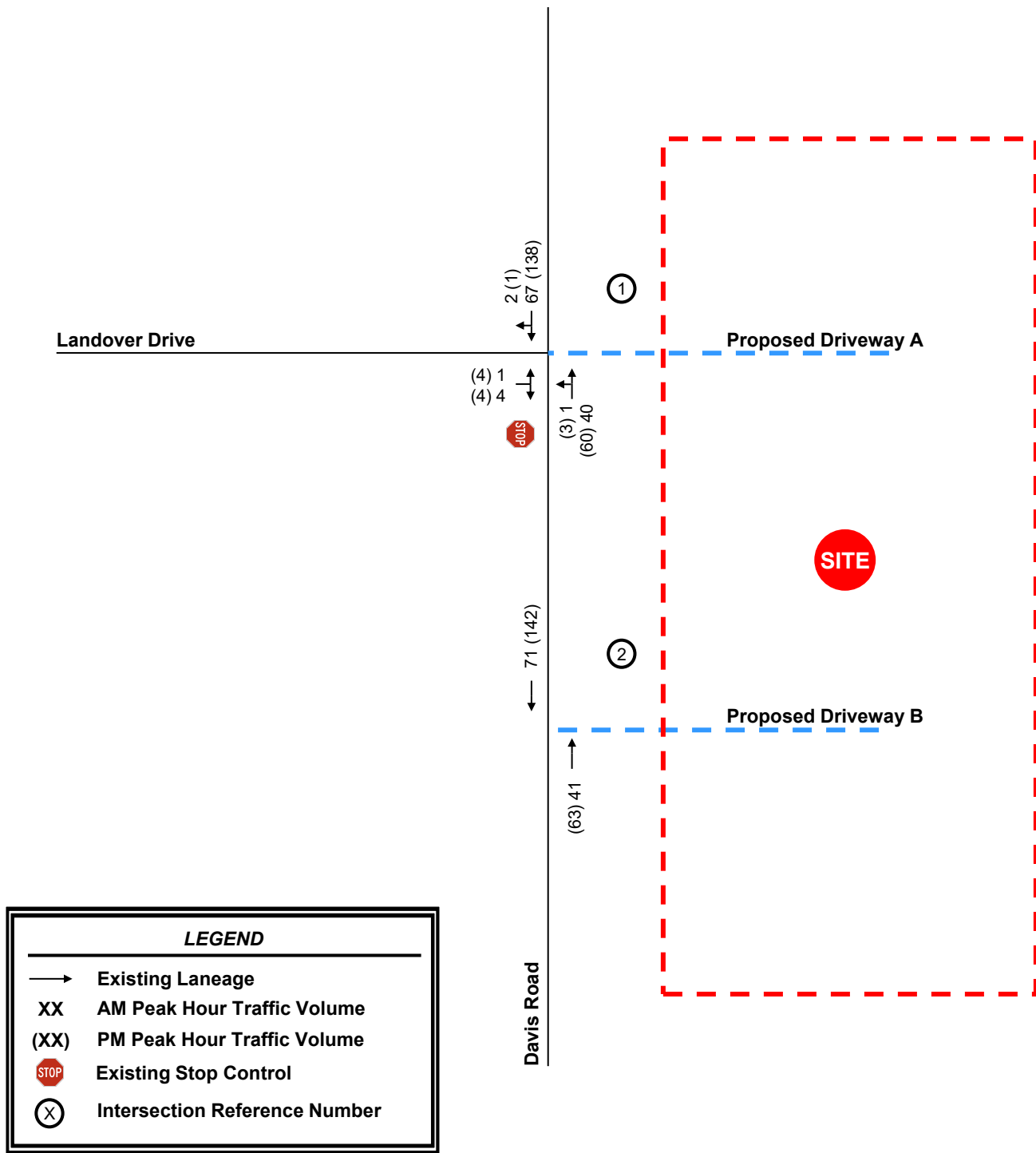
Figure 3 illustrates the Existing 2026 peak hour traffic volumes at the study intersection as well as the existing roadway geometry (intersection layout).

3.3 ALTERNATIVE TRANSPORTATION MODES

The MARTA Battle Creek Road bus route (Route 197) operates in the vicinity of the project site providing daily service with stops at Mount Zion High School and relevant Riverdale downtown areas. The nearest stop for this bus route is Davidson Parkway at Davidson Circle East MARTA Stop, approximately 1.6 miles west of the site. Davis Road does not have sidewalks on either side of the road along site frontage; there are ongoing Henry County plans to construct sidewalks along site frontage on both sides of the road. Sidewalks are additionally proposed along site frontage as part of the *Davis Road Townhomes* development as shown in the site plan.

3.4 PARKING

Stockbridge parking requirements include two (2) spaces per townhome unit and one (1) guest space per three (3) townhome units. The proposed site plan includes 381 spaces, exceeding the required parking of 212 spaces per the city of Stockbridge requirements.



3.5 INTERSECTION SIGHT DISTANCE

Per AASHTO Green Book intersection sight distance criteria for a stop-controlled approach onto a 35 mph roadway, approximately 390 feet of sight distance is required in both the left and right directions along the major roadway. Available sight distance was compared to this criterion to assess the adequacy of the proposed site access.

The available sight distance for the proposed site driveway is approximately as follows:

- Site Driveway A (Intersection 1): 1,500 feet looking to the northwest, 900 feet looking to the southeast.
- Site Driveway B (Intersection 2): 1,900 feet looking to the northwest, 500 feet looking to the southeast.

It should be noted that the site plan is still under final development. As the site plan is further defined, the location of the site driveways should be placed to ensure that adequate site distance is provided. However, as currently planned, the sight distance at proposed driveways exceeds AASHTO standards.

4.0 PROJECTED BACKGROUND (NON-PROJECT) TRAFFIC

Background traffic is defined as expected traffic on the roadway in future year(s) absent the construction and opening of the proposed project. Background traffic can include a base growth rate based on historical count data as well as population growth data and estimates.

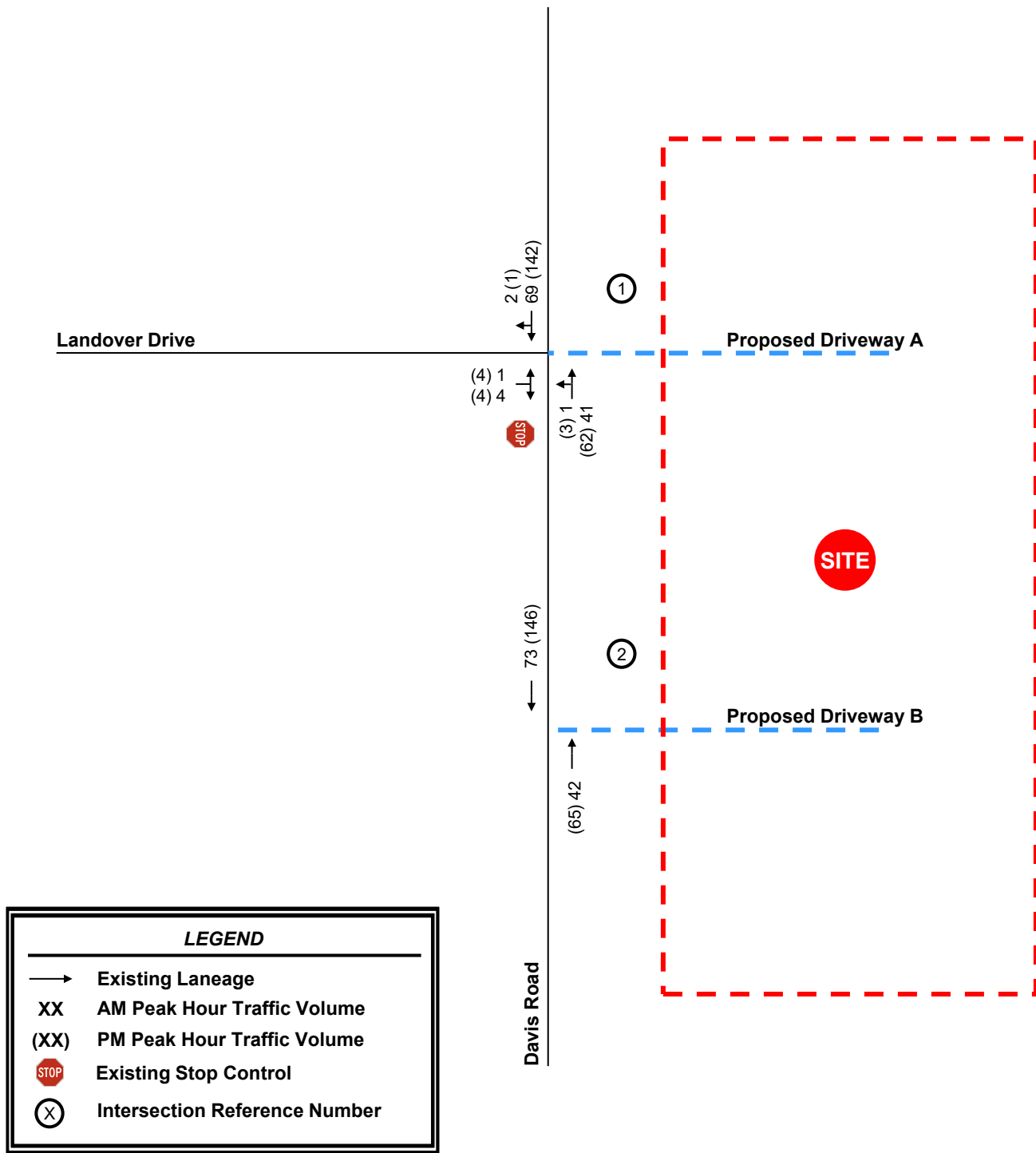
The 2022 Reeves Creek II DRI #3799 was identified approximately 1 mile away with an approved growth rate of 1.0%. Project trips within this DRI were not routed through the study network of this analysis based on the DRI's trip distribution. To account for background traffic, the Existing 2026 traffic volumes were increased by 1.0% per year for three (3) years to account for the expected background growth to Build Year 2029, in line with the nearby DRI and researched population trends. The growth rate analysis is included in **Appendix C**. **Figure 4** illustrates the 2029 No-Build traffic volumes.

4.1 FUTURE ROADWAY/INTERSECTION PROJECTS

The ARC's Atlanta Region's Plan, Henry County's Comprehensive Transportation Plan (CTP), and the GDOT GeoPI system were researched for programmed transportation projects within the vicinity of the proposed development:

1. **LM-113:** This project will install sidewalks along both sides of Davis Road from N Davis Drive to Creek Circle. This project directly intersects with the frontage of the *Davis Road Townhomes* development.

The above project is identified by the Henry County CTP as a long-term sidewalk project and can have an expected build out between 2036 – 2050.



Additional sidewalk improvements and other projects can be found within the *Henry County Transportation Plan: 2022 Update*. Details for this project are included in **Appendix D**.

No programmed projects were identified which would impact the vehicular study network for future conditions.

5.0 PROJECT TRAFFIC

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the development and the distribution and assignment of that traffic through the study roadway network. This traffic impact study evaluated the impacts of developing approximately 91 townhome residential units.

5.1 PROJECT SITE ACCESS

Vehicular access to the proposed *Davis Road Townhomes* development will be provided at two (2) locations, which are shown on the site plan in **Appendix A**. A brief description of the vehicle access location is as follows:

1. Site Driveway A – a proposed full-movement driveway along Davis Road located at the side-street stop-controlled intersection with Landover Drive. Site Driveway A is proposed to align with Landover Drive and add the fourth leg onto the existing T-intersection.
2. Site Driveway B – a proposed right-in, right-out, side-street stop-controlled driveway along Davis Road located approximately 400 feet southeast of the intersection of Davis Road with Landover Drive.

See the referenced site plan in **Appendix A** for a visual representation of vehicular access and circulation throughout the proposed site.

5.2 TRIP GENERATION

Traffic for the proposed development was calculated using equations contained in the *Institute of Transportation Engineers' (ITE) Trip Generation Manual, 12th Edition, 2025* and *2nd Edition Handbook*. The trip generation was calculated assuming the Single Family Attached Housing (Land Use 215) land use. **Table 2** summarizes the project trip generation for the proposed development under full build-out.

Table 2: Project Trip Generation Summary

ITE Code	Land Use	Density	Daily Traffic			AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
215	Single Family Attached Housing	91 units	1,000	500	500	67	18	49	88	55	33
Gross Project Trips			1,000	500	500	67	18	49	88	55	33
<i>Mixed-Use Reduction</i>			0	0	0	0	0	0	0	0	0
<i>Alternative Mode Reductions</i>			0	0	0	0	0	0	0	0	0
<i>Pass-By Reductions</i>			0	0	0	0	0	0	0	0	0
Net New Trips			1,000	500	500	67	18	49	88	55	33

Due to the size, nature, and location of the proposed development, mixed use, alternative mode and pass-by reductions were assumed to be zero for a conservatively high analysis.

Appendix E provides the detailed trip generation worksheet for the proposed development.

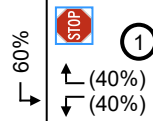
5.3 TRIP DISTRIBUTION AND ASSIGNMENT

The directional distribution and assignment of new project trips was based on a review of land uses and population densities in the area and the existing peak hour turning movement counts. A detailed trip distribution and assignment for the project residential vehicle trips is illustrated in **Figure 5**. Based on the trip generation in **Table 2** and the anticipated trip distribution, net new project trips were assigned to the study roadway network and are illustrated on **Figure 6**.

The project trips from **Figure 6** were added to the 2029 No Build traffic volumes (shown on **Figure 4**) to produce the 2029 Build Traffic Volumes. **Figure 7** illustrates the 2029 Build traffic conditions. **Appendix F** provides the intersection volume worksheets within the study network, including the proposed driveway.

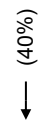
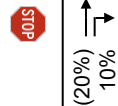


Landover Drive



1

Proposed Driveway A



2

Proposed Driveway B

SITE

Davis Road

LEGEND

- Turning Movement
- XX Entering Percentages
- (XX) Exiting Percentages
- STOP Existing Stop Control
- STOP Proposed Stop Control
- (X) Intersection Reference Number



Landover Drive

11 (33)



1

20 (13)
20 (13)

Proposed Driveway A



10 (7)
2 (6)

20 (13)



2

10 (7)
2 (6)
5 (17)

Proposed Driveway B

SITE

Davis Road

LEGEND

- Turning Movement
- XX AM Peak Hour Project Trips
- (XX) PM Peak Hour Project Trips
-  Existing Stop Control
-  Proposed Stop Control
- (X) Intersection Reference Number



Landover Drive

2 (1)
69 (142)
11 (33)

(4) 1
(0) 0
(4) 4

93 (159)

Davis Road

20 (13)
0 (0)
20 (13)

(3) 1
(62) 51
(6) 2

10 (7)

(71) 44
(17) 5

Proposed Driveway A

Proposed Driveway B

SITE

LEGEND

- Existing Laneage
- Proposed Laneage
- XX AM Peak Hour Traffic Volume
- (XX) PM Peak Hour Traffic Volume
- STOP Existing Stop Control
- STOP Proposed Stop Control
- (X) Intersection Reference Number

6.0 LEVEL-OF-SERVICE ANALYSIS

Level-of-service (LOS) determinations were made for the weekday AM and PM peak hours for the existing study network intersections and proposed site-access intersections using *Synchro, Version 12*. The program uses methodologies contained in the *Highway Capacity Manual 6th Edition* to determine the operating characteristics of an intersection. Capacity is defined as the maximum number of vehicles that can travel through a particular road segment or through a particular intersection within a specified period under prevailing roadway, traffic, and control conditions.

LOS is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions and motorists' perceptions of a traffic stream. The *Highway Capacity Manual* defines six levels of service, LOS A through LOS F, with A being the best and F the worst.

LOS for signalized intersections are reported for the intersection as a whole. One or more movements at an intersection may experience a low LOS, while the intersection as a whole may operate acceptably.

LOS for unsignalized intersections, with stop control on the minor street(s) only, are reported for the side street approaches and major street left turns. Low levels-of-service for side street approaches are not uncommon, as vehicles may experience significant delay turning onto a major roadway.

In addition to the Existing 2026 traffic conditions, analyses were performed for the AM and PM peak hours for the 2029 No-Build traffic conditions and the 2029 Build traffic conditions.

The results of the LOS analysis for the Existing 2026 and Future Year 2029 scenarios are summarized in **Table 3**. *Synchro* analysis reports are included in **Appendix G**.

**Table 3: Level-of-Service Summary
LOS (Delay in Seconds)**

Intersection	Approach/ Movement	Existing 2026		2029 No Build		2029 Build	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
1. Davis Road at Landover Drive/Site Driveway A (TWSC)	Eastbound Stop	A (8.9)	A (9.4)	A (8.9)	A (9.5)	A (9.0)	B (10.0)
	Westbound Stop					A (9.5)	A (9.9)
	Northbound Left	A (7.4)	A (7.5)	A (7.4)	A (7.5)	A (7.4)	A (7.5)
	Southbound Left					A (7.4)	A (7.4)
2. Davis Road at Site Driveway B (TWSC, RIRO)	Westbound Stop					A (8.6)	A (8.7)

As shown in **Table 3**, the Existing 2026, 2029 No-Build and Build scenarios for the intersection are projected to operate at LOS B or better during the AM and PM peak hours for all movements and approaches. *Synchro* analysis reports including the volume to capacity ratios and LOS per approach are included in **Appendix G**.

7.0 CONCLUSION

This traffic study evaluated the traffic impacts associated with the *Davis Road Townhomes* development, located to the north side of Davis Road across from Landover Drive in Henry County, Georgia. The development, which is approximately 11.3 acres in size, will consist of 91 townhome residential units. The *Davis Road Townhome* development is anticipated to be completed and open to traffic by year 2029. This report included the analyses of the following three (3) scenarios:

1. Existing 2026 Traffic Conditions
2. 2029 No-Build Traffic Conditions
3. 2029 Build Traffic Conditions

The proposed development will be served by two (2) proposed driveways. One proposed full-movement driveway connects to the side-street, stop-controlled intersection of Davis Road opposite Landover Drive. The second proposed site driveway is a right-in, right-out driveway approximately 400 feet southeast of the intersection of Davis Road at Landover Drive. The study network, which consists of one (1) existing intersection and an additional intersection created by proposed site driveway B, was analyzed for the weekday AM and PM peak hours.

The level-of-service (LOS) analysis indicates that all intersections and approaches currently operate at an acceptable LOS during the AM and PM peak hours and are projected to continue operating at an acceptable LOS under all future scenarios.

7.1 SITE ACCESS IMPROVEMENT RECOMMENDATIONS

Based on the results of this study for the *Davis Road Townhomes* development, the following site-access (“Build”) improvements are recommended:

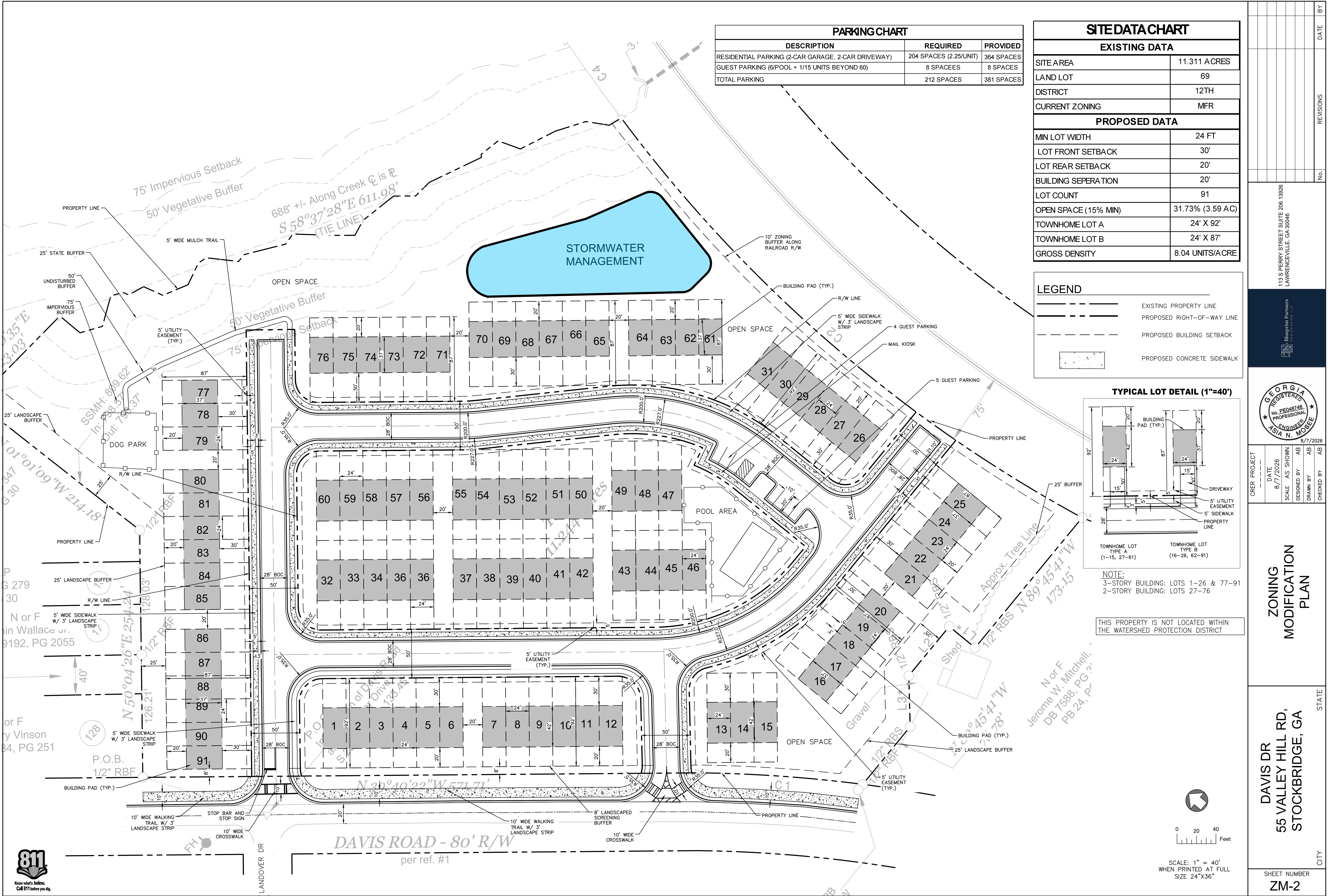
- Intersection 1 – Davis Road at Landover Drive and Site Driveway A
 - Per the site plan, construct a full-movement driveway that connects to the existing side-street stop-controlled intersection of Davis Road at Landover Drive. This will contain one (1) ingress lane and one (1) egress lane.
- Intersection 2 – Davis Road at Site Driveway B
 - Per the site plan, construct a right-in, right-out side-street stop-controlled intersection which connects to Davis Road approximately 400 feet southeast of Landover Drive and Site Driveway A. This will contain one (1) ingress lane and one (1) egress lane.

7.2 MULTIMODAL CONSIDERATIONS

Consistent with the City of Stockbridge Unified Development Code, pedestrian accommodations are anticipated to be provided as part of the proposed townhome development, including frontage sidewalk improvements and internal pedestrian connectivity. Preliminary site plans include a 10-foot-wide walking trail along site frontage and 5-foot-wide sidewalks within the site.

Please refer to the site plan in **Appendix A** for additional details.

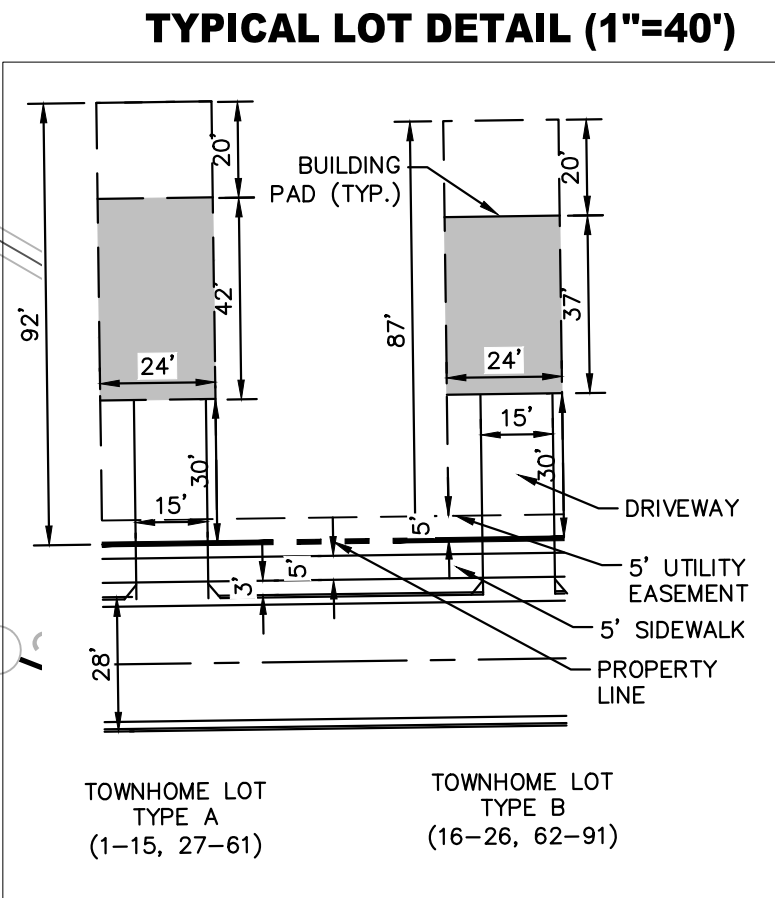
Site Plan



PARKING CHART		
DESCRIPTION	REQUIRED	PROVIDED
RESIDENTIAL PARKING (2-CAR GARAGE, 2-CAR DRIVEWAY)	204 SPACES (2.25/UNIT)	364 SPACES
GUEST PARKING (6/POOL + 1/15 UNITS BEYOND 60)	8 SPACES	8 SPACES
TOTAL PARKING	212 SPACES	381 SPACES

SITE DATA CHART	
EXISTING DATA	
SITE AREA	11.311 ACRES
LAND LOT	69
DISTRICT	12TH
CURRENT ZONING	MFR
PROPOSED DATA	
MIN LOT WIDTH	24 FT
LOT FRONT SETBACK	30'
LOT REAR SETBACK	20'
BUILDING SEPERATION	20'
LOT COUNT	91
OPEN SPACE (15% MIN)	31.73% (3.59 AC)
TOWNHOME LOT A	24' X 92'
TOWNHOME LOT B	24' X 87'
GROSS DENSITY	8.04 UNITS/ACRE

LEGEND	
	EXISTING PROPERTY LINE
	PROPOSED RIGHT-OF-WAY LINE
	PROPOSED BUILDING SETBACK
	PROPOSED CONCRETE SIDEWALK



NOTE:
3-STORY BUILDING: LOTS 1-26 & 77-91
2-STORY BUILDING: LOTS 27-76

THIS PROPERTY IS NOT LOCATED WITHIN THE WATERSHED PROTECTION DISTRICT

CRER PROJECT	DATE	8/7/2026	SCALE	AS SHOWN	DESIGNED BY	AB	DRAWN BY	AB	CHECKED BY	AB
ZONING MODIFICATION PLAN										
DAVIS DR 55 VALLEY HILL RD, STOCKBRIDGE, GA										
SHEET NUMBER ZM-2										

113 S PERRY STREET SUITE 206 13926
LAWRENCEVILLE, GA 30046

8/7/2026

REGISTERED PROFESSIONAL ENGINEER
ASIA N. MOSEE

STATE

CITY

Traffic Count Data



[Click here for Map](#)

Peak Hour Turning Movement Count

Stockbridge, GA



www.marrtraffic.com

Thursday, August 27, 2026	
Period	0700 - 0900
Peak Hour	0715 - 0815

* the Peak Hour Diagram does not include Bikes



All vehicles

	Northbound					Southbound					Eastbound										Int Total
	Davis Rd (South)					Davis Rd (North)					Landover Dr										
	Left	Thru		U-Turn	App Total		Thru	Right	U-Turn	App Total	Left		Right	U-Turn	App Total				App Total		
Time	1.1	1.2		1.3	Total		1.4	1.5	1.6	Total	1.7		1.8	1.9	Total				Total		
0715 - 0730	1	8	-	0	9	-	28	1	0	29	0	-	1	0	1	-	-	-	0		
0730 - 0745	0	15	-	0	15	-	13	0	0	13	1	-	0	0	1	-	-	-	0		
0745 - 0800	0	10	-	0	10	-	15	1	0	16	0	-	3	0	3	-	-	-	0		
0800 - 0815	0	7	-	0	7	-	11	0	0	11	0	-	0	0	0	-	-	-	0		
Total	1	40	0	0	41	0	67	2	0	69	1	0	4	0	5	0	0	0	0		
Approach %	2.44	97.56	0.00	0.00	-	0.00	97.10	2.90	0.00	-	20.00	0.00	80.00	0.00	-	0.00	0.00	0.00	-		
PHF	0.25	0.67	0.00	0.00	0.68	0.00	0.60	0.50	0.00	0.59	0.25	0.00	0.33	0.00	0.42	0.00	0.00	0.00	0.00		

Bikes

[illegible]

Passenger Vehicles (1-3)

	Northbound					Southbound					Eastbound										Int Total
	Davis Rd (South)					Davis Rd (North)					Landover Dr										
	Left	Thru		U-Turn	App Total		Thru	Right	U-Turn	App Total	Left		Right	U-Turn	App Total					App Total	
Time	1.1	1.2		1.3	Total		1.4	1.5	1.6	Total	1.7		1.8	1.9	Total					Total	
0715 - 0730	1	8	-	0	9	-	28	1	0	29	0	-	1	0	1	-	-	-	-	0	
0730 - 0745	0	14	-	0	14	-	12	0	0	12	1	-	0	0	1	-	-	-	-	0	
0745 - 0800	0	9	-	0	9	-	14	1	0	15	0	-	3	0	3	-	-	-	-	0	
0800 - 0815	0	6	-	0	6	-	11	0	0	11	0	-	0	0	0	-	-	-	-	0	
Total	1	37	0	0	38	0	65	2	0	67	1	0	4	0	5	0	0	0	0	110	
Approach %	2.63	97.37	0.00	0.00	-	0.00	97.01	2.99	0.00	-	20.00	0.00	80.00	0.00	-	0.00	0.00	0.00	0.00	-	
PHF	0.25	0.66	0.00	0.00	0.68	0.00	0.58	0.50	0.00	0.58	0.25	0.00	0.33	0.00	0.42	0.00	0.00	0.00	0.00	0.71	

Single Unit Trucks (4-7)

[illegible]

Combination Trucks (8-13)

[illegible]



[Click here for Map](#)

Peak Hour Turning Movement Count

Stockbridge, GA



www.marrtraffic.com

Thursday, August 27, 2026	
Period	1600 - 1800
Peak Hour	1700 - 1800

* the Peak Hour Diagram does not include Bikes



Session Parameters

(Drop Down Menu)

Peak Hour

Volume

All vehicles

	Northbound					Southbound					Eastbound										Int
	Davis Rd (South)					Davis Rd (North)					Landover Dr										
Time	Left 1.1	Thru 1.2		U-Turn 1.3	App Total		Thru 1.4	Right 1.5	U-Turn 1.6	App Total	Left 1.7		Right 1.8	U-Turn 1.9	App Total					App Total	Total
1700 - 1715	0	11	-	0	11	-	27	0	0	27	2	-	1	0	3	-	-	-	-	0	41
1715 - 1730	1	25	-	0	26	-	27	0	0	27	1	-	2	0	3	-	-	-	-	0	56
1730 - 1745	0	11	-	0	11	-	47	0	0	47	0	-	0	0	0	-	-	-	-	0	58
1745 - 1800	2	13	-	0	15	-	37	1	0	38	1	-	1	0	2	-	-	-	-	0	55
Total	3	60	0	0	63	0	138	1	0	139	4	0	4	0	8	0	0	0	0	0	210
Approach %	4.76	95.24	0.00	0.00	-	0.00	99.28	0.72	0.00	-	50.00	0.00	50.00	0.00	-	0.00	0.00	0.00	0.00	-	
PHF	0.38	0.60	0.00	0.00	0.61	0.00	0.73	0.25	0.00	0.74	0.50	0.00	0.50	0.00	0.67	0.00	0.00	0.00	0.00	0.00	0.91

Bikes

[illegible]

Passenger Vehicles (1-3)

	Northbound					Southbound					Eastbound										Int Total
	Davis Rd (South)					Davis Rd (North)					Landover Dr										
	Left	Thru		U-Turn	App Total		Thru	Right	U-Turn	App Total	Left		Right	U-Turn	App Total				App Total		
Time	1.1	1.2		1.3	Total		1.4	1.5	1.6	Total	1.7		1.8	1.9	Total				Total		
1700 - 1715	0	11	-	0	11	-	27	0	0	27	2	-	1	0	3	-	-	-	0		
1715 - 1730	1	25	-	0	26	-	26	0	0	26	1	-	2	0	3	-	-	-	0		
1730 - 1745	0	11	-	0	11	-	46	0	0	46	0	-	0	0	0	-	-	-	0		
1745 - 1800	2	13	-	0	15	-	36	1	0	37	1	-	1	0	2	-	-	-	0		
Total	3	60	0	0	63	0	135	1	0	136	4	0	4	0	8	0	0	0	0		
Approach %	4.76	95.24	0.00	0.00	-	0.00	99.26	0.74	0.00	-	50.00	0.00	50.00	0.00	-	0.00	0.00	0.00	-		
PHF	0.38	0.60	0.00	0.00	0.61	0.00	0.73	0.25	0.00	0.74	0.50	0.00	0.50	0.00	0.67	0.00	0.00	0.00	0.00		

Single Unit Trucks (4-7)

	Northbound					Southbound					Eastbound										
	Davis Rd (South)					Davis Rd (North)					Landover Dr										
Time	Left 1.1	Thru 1.2		U-Turn 1.3	App Total		Thru 1.4	Right 1.5	U-Turn 1.6	App Total	Left 1.7		Right 1.8	U-Turn 1.9	App Total					App Total	Int Total
1700 - 1715	0	0	-	0	0	-	0	0	0	0	0	-	0	0	0	-	-	-	-	0	0
1715 - 1730	0	0	-	0	0	-	1	0	0	1	0	-	0	0	0	-	-	-	-	0	1
1730 - 1745	0	0	-	0	0	-	1	0	0	1	0	-	0	0	0	-	-	-	-	0	1
1745 - 1800	0	0	-	0	0	-	1	0	0	1	0	-	0	0	0	-	-	-	-	0	1
Total	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	3
Approach %	0.00	0.00	0.00	0.00	-	0.00	100.00	0.00	0.00	-	0.00	0.00	0.00	0.00	-	0.00	0.00	0.00	0.00	-	
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.75	0.00	0.00	0.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.75

Combination Trucks (8-13)

[illegible]

Growth Rate Analysis

Growth Rate Considerations

Recommended Growth Rate	1.0%
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Population Data

Henry County (ARC) Population Annual Growth Projection (2020-2050)	1.22%
Henry County (Census) Population Annual Growth (2010-2020)	1.67%
Stockbridge City (Census) Population Annual Growth (2010-2020)	1.23%

Nearby Developments

DRI #3799 Reeves Creek II	1%
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Historical ADT Count Data

Source:	GDOT
Location:	Davis Rd
	w/o Shields Rd
Route #:	8200
Route Type:	Local Road
Station:	1518013

Count Type	Count Year	Volume	Growth Rate
EST	2020	4,840	
ACT	2021	4,320	-10.74%
EST	2022	4,420	2.31%
EST	2023	4,540	2.71%
EST	2024	4,560	0.44%
EST	2025	4,620	1.32%

5 Year Growth Rate	-0.93%
Avg. 1 Year Growth Rate	-0.79%
Most Recent Actual Count Growth Rate	N/A

Source:	GDOT
Location:	N Henry Blvd
	w/o McCain Creek Trl
Route #:	4200
Route Type:	Principal Arterial
Station:	1510361

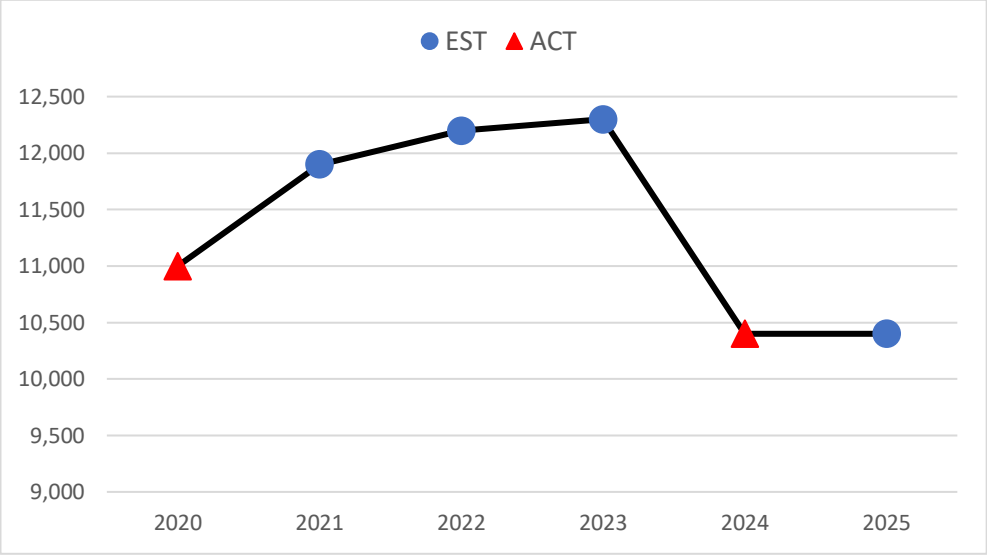
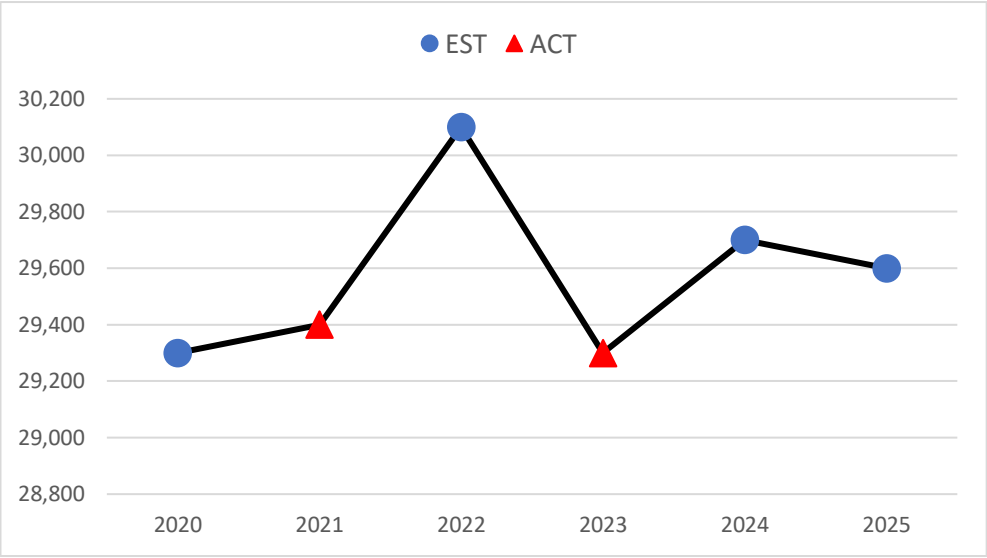
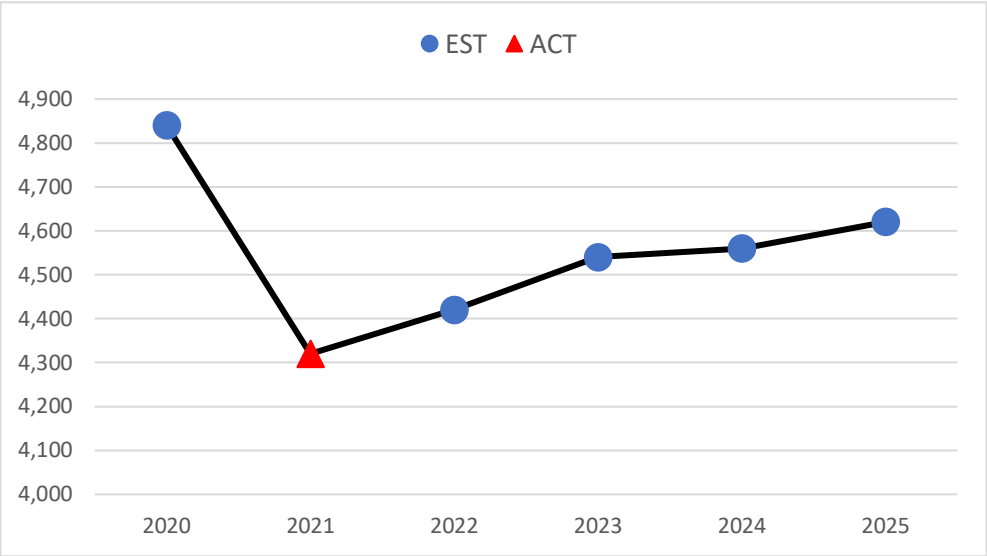
Count Type	Count Year	Volume	Growth Rate
EST	2020	29,300	
ACT	2021	29,400	0.34%
EST	2022	30,100	2.38%
ACT	2023	29,300	-2.66%
EST	2024	29,700	1.37%
EST	2025	29,600	-0.34%

5 Year Growth Rate	0.20%
Avg. 1 Year Growth Rate	0.22%
Most Recent Actual Count Growth Rate	-0.17%

Source:	GDOT
Location:	E Atlanta Rd
	n/o N Henry Blvd
Route #:	96411
Route Type:	Minor Arterial
Station:	1510274

Count Type	Count Year	Volume	Growth Rate
ACT	2020	11,000	
EST	2021	11,900	8.18%
EST	2022	12,200	2.52%
EST	2023	12,300	0.82%
ACT	2024	10,400	-15.45%
EST	2025	10,400	0.00%

5 Year Growth Rate	-1.12%
Avg. 1 Year Growth Rate	-0.78%

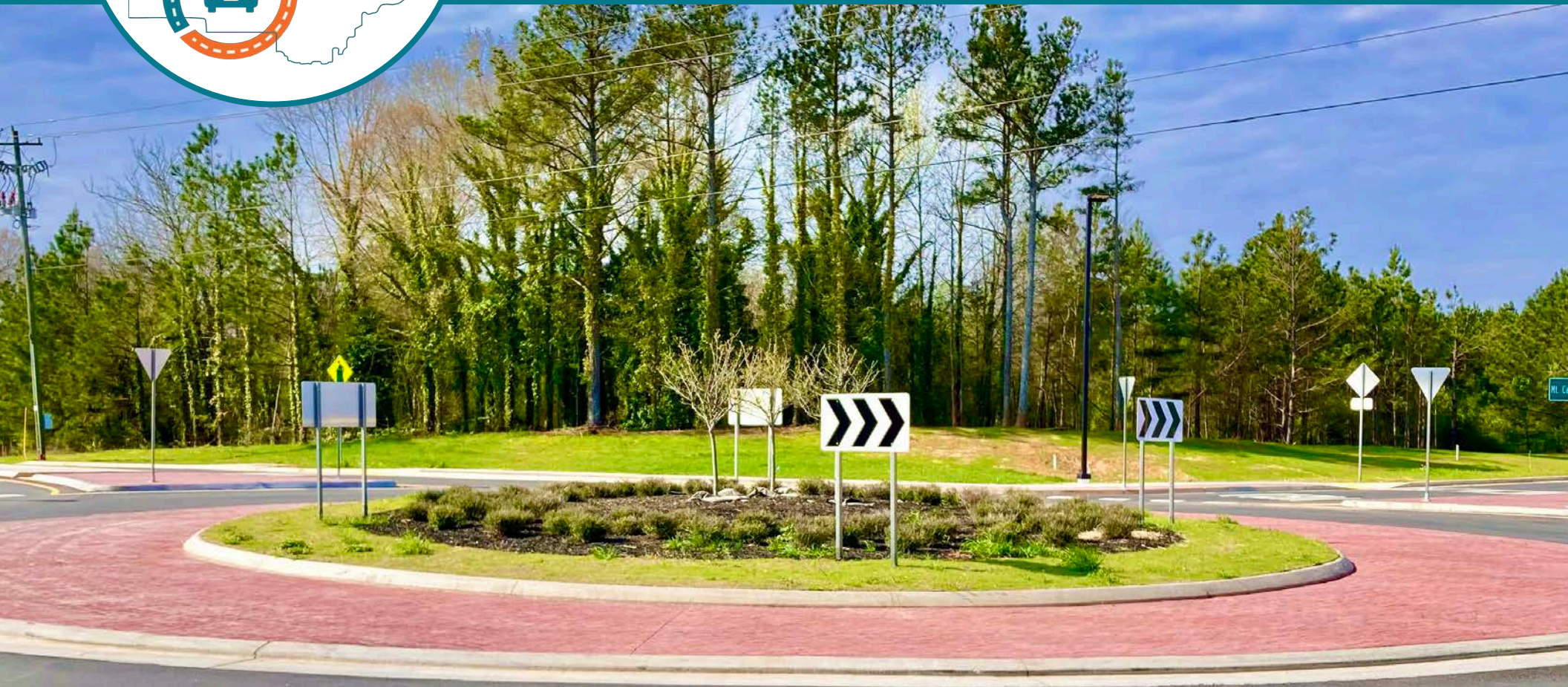


Henry County Comprehensive Transportation Plan (CTP) Excerpt



HENRY COUNTY TRANSPORTATION PLAN

2022 UPDATE



Stockbridge
Where Community Connects

ARC
Atlanta Regional Commission

JULY 2022
POND

Table 6.18. (Cont'd) Long-Term Sidewalk Projects

ID	Name	Extents	Description	PE	ROW	Construction	Contingency	Total
LM-79	Red Oak Road	Flippen Road to Rock Quarry Road	Install sidewalk along both sides of Red Oak Road	\$212,000	\$437,313	\$2,483,000	\$294,000	\$3,426,313
LM-84	Valley Hill Road	US 23 to Davis Road	Install sidewalk along both sides of Valley Hill Road	\$257,000	\$533,798	\$3,012,000	\$356,000	\$4,158,798
LM-86	Valley Hill Road	N Davis Drive to E Atlanta Road	Install sidewalk along both sides of Valley Hill Road	\$87,000	\$178,371	\$1,017,000	\$120,000	\$1,402,371
LM-88	Old Conyers Road	Pinehurst Drive to Flakes Road	Install sidewalk along both sides of Old Conyers Road	\$282,000	\$582,364	\$3,298,000	\$390,000	\$4,552,364
LM-89	Flat Rock Road	Old Conyers Road to W Hemphill Road	Install sidewalk along both sides of Flat Rock Road	\$192,000	\$389,144	\$2,249,000	\$266,000	\$3,096,144
LM-90	E Atlanta Road	Valley Hill Road to Stagecoach Road	Install sidewalk along both sides of E Atlanta Road	\$152,000	\$312,692	\$1,775,000	\$210,000	\$2,449,692
LM-94	Swan Lake Road	Fairview Road to Gardner Road	Install sidewalk along both sides of Swan Lake Road	\$208,000	\$429,176	\$2,430,000	\$288,000	\$3,355,176
LM-95	Fairview Road	Swan Lake Road to SR 155	Install sidewalk along both sides of Fairview Road	\$280,000	\$577,769	\$3,274,000	\$387,000	\$4,518,769
LM-97	Thurman Road	Fairview Road to Patillo Road	Install sidewalk along both sides of Thurman Road	\$205,000	\$421,352	\$2,394,000	\$283,000	\$3,303,352
LM-98	Rex Road	E Atlanta Road to Thurman Road	Install sidewalk along both sides of Rex Road	\$184,000	\$381,879	\$2,154,000	\$255,000	\$2,974,879
LM-99	E Atlanta Road	Panola Road to Orchard Road	Install sidewalk along both sides of E Atlanta Road	\$55,000	\$111,369	\$640,000	\$76,000	\$882,369
LM-100	Panola Road	E Atlanta Road to Flakes Mill Road	Install sidewalk along both sides of Panola Road	\$121,000	\$246,497	\$1,413,000	\$167,000	\$1,947,497
LM-101	Fairview Road	Panola Road to Thurman Road	Install sidewalk along both sides of Fairview Road	\$216,000	\$440,658	\$2,531,000	\$299,000	\$3,486,658
LM-103	Panola Road	Flakesmith Road to Scarborough Road	Install sidewalk along both sides of Panola Road	\$233,000	\$475,210	\$2,731,000	\$323,000	\$3,762,210
LM-104	S Zach Hinton Parkway	Cap Welch Drive to Racetrack Road	Install sidewalk along both sides of S Zach Hinton Parkway	\$101,000	\$205,510	\$1,180,000	\$140,000	\$1,626,510
LM-109	N Mt Carmel Road	Jonesboro Road to Existing side-walk	Install sidewalk along both sides of N Mt Carmel Road	\$68,000	\$140,565	\$793,000	\$94,000	\$1,095,565
LM-113	Davis Road	N Davis Drive to Creek Circle	Install sidewalk along both sides of Davis Road	\$119,000	\$244,252	\$1,393,000	\$165,000	\$1,921,252

For consistency in reporting, all costs depicted in these tables are provided in year 2026 dollars, representing the first year of the upcoming Mid-Term phase.

Trip Generation Worksheet

Trip Generation Analysis (12th Ed. With 2nd Edition Handbook Daily IC & 3rd Edition AM/PM IC) Davis Rd Townhome TIA Henry County, Georgia												
Land Use	Setting	Density		Daily Trips			AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out	Total	In	Out
Proposed Project Trips												
215 Single-Family Attached Housing	General Ur	91	dwelling units	1,000	500	500	67	18	49	88	55	33
Gross Project Trips				1,000	500	500	67	18	49	88	55	33
Residential Trips Mixed-Use Reductions Alternative Mode Reductions Adjusted Residential Trips Mixed-Use Reductions - TOTAL Alternative Mode Reductions - TOTAL Pass-By Reductions - TOTAL												
				1,000	500	500	67	18	49	88	55	33
				0	0	0	0	0	0	0	0	0
				0	0	0	0	0	0	0	0	0
				1,000	500	500	67	18	49	88	55	33
				0	0	0	0	0	0	0	0	0
				0	0	0	0	0	0	0	0	0
				0	0	0	0	0	0	0	0	0
New Trips				1,000	500	500	67	18	49	88	55	33

Intersection Volume Worksheets

INTERSECTION VOLUME DEVELOPMENT

INTERSECTION #1

Landover Dr/Site Driveway A at Davis Rd (South)/Davis Rd (North)

AM PEAK HOUR																
	Davis Rd (South)				Davis Rd (North)				Landover Dr				Site Driveway A			
	Northbound				Southbound				Eastbound				Westbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Observed 2026 Traffic Volumes	0	1	40	0	0	0	67	2	0	1	0	4	0	0	0	0
Pedestrians	0				0				0				0			
Conflicting Pedestrians		0		0		0		0		0		0		0		0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conflicting Bicycles				0				0				0				0
Heavy Vehicles	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0
Heavy Vehicle %	2%	2%	5%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74	0.74
Adjustment Factor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Existing 2026 Volumes	0	1	40	0	0	0	67	2	0	1	0	4	0	0	0	0
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Growth Factor	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03
2029 No-Build Traffic	0	1	41	0	0	0	69	2	0	1	0	4	0	0	0	0
Total Vehicular Project Trips	0	0	10	2	0	11	0	0	0	0	0	0	0	20	0	20
2029 Build Traffic	0	1	51	2	0	11	69	2	0	1	0	4	0	20	0	20

PM PEAK HOUR																
	Davis Rd (South)				Davis Rd (North)				Landover Dr				Site Driveway A			
	Northbound				Southbound				Eastbound				Westbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Observed 2026 Traffic Volumes	0	3	60	0	0	0	138	1	0	4	0	4	0	0	0	0
Pedestrians	0				0				0				0			
Conflicting Pedestrians		0		0		0		0		0		0		0		0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conflicting Bicycles				0				0				0				0
Heavy Vehicles	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0
Heavy Vehicle %	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Adjustment Factor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Existing 2026 Volumes	0	3	60	0	0	0	138	1	0	4	0	4	0	0	0	0
Annual Growth Rate	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Growth Factor	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03
2029 No-Build Traffic	0	3	62	0	0	0	142	1	0	4	0	4	0	0	0	0
Total Vehicular Project Trips		0	7	6	0	33	0	0	0	0	0	0	0	13	0	13
2029 Build Traffic	0	3	69	6	0	33	142	1	0	4	0	4	0	13	0	13

Synchro Analysis Reports

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W			4	4	
Traffic Vol, veh/h	1	4	1	40	67	2
Future Vol, veh/h	1	4	1	40	67	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	2	2	2	5	2	2
Mvmt Flow	1	5	1	54	91	3

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	149	92	93	0	-	0
Stage 1	92	-	-	-	-	-
Stage 2	57	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	843	965	1501	-	-	-
Stage 1	932	-	-	-	-	-
Stage 2	966	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	843	965	1501	-	-	-
Mov Cap-2 Maneuver	843	-	-	-	-	-
Stage 1	931	-	-	-	-	-
Stage 2	966	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	8.87	0.18	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	44	-	938	-	-
HCM Lane V/C Ratio	0.001	-	0.007	-	-
HCM Ctrl Dly (s/v)	7.4	0	8.9	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	4	4	3	60	138	1
Future Vol, veh/h	4	4	3	60	138	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	3	66	152	1

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	225	152	153	0	-	0
Stage 1	152	-	-	-	-	-
Stage 2	73	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	763	894	1428	-	-	-
Stage 1	876	-	-	-	-	-
Stage 2	950	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	762	894	1428	-	-	-
Mov Cap-2 Maneuver	762	-	-	-	-	-
Stage 1	874	-	-	-	-	-
Stage 2	950	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	9.42	0.36	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	86	-	823	-	-
HCM Lane V/C Ratio	0.002	-	0.011	-	-
HCM Ctrl Dly (s/v)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	1	4	1	41	69	2
Future Vol, veh/h	1	4	1	41	69	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	74	74	74	74	74	74
Heavy Vehicles, %	2	2	2	5	2	2
Mvmt Flow	1	5	1	55	93	3

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	153	95	96	0	-	0
Stage 1	95	-	-	-	-	-
Stage 2	58	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	839	962	1498	-	-	-
Stage 1	929	-	-	-	-	-
Stage 2	964	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	838	962	1498	-	-	-
Mov Cap-2 Maneuver	838	-	-	-	-	-
Stage 1	928	-	-	-	-	-
Stage 2	964	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	8.88	0.18	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	43	-	935	-	-
HCM Lane V/C Ratio	0.001	-	0.007	-	-
HCM Ctrl Dly (s/v)	7.4	0	8.9	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W			4	4	
Traffic Vol, veh/h	4	4	3	62	142	1
Future Vol, veh/h	4	4	3	62	142	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	3	68	156	1

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	231	157	157	0	-	0
Stage 1	157	-	-	-	-	-
Stage 2	75	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	757	889	1423	-	-	-
Stage 1	872	-	-	-	-	-
Stage 2	948	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	755	889	1423	-	-	-
Mov Cap-2 Maneuver	755	-	-	-	-	-
Stage 1	870	-	-	-	-	-
Stage 2	948	-	-	-	-	-

Approach	EB	NB	SB
HCM Ctrl Dly, s/v	9.46	0.35	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	83	-	817	-	-
HCM Lane V/C Ratio	0.002	-	0.011	-	-
HCM Ctrl Dly (s/v)	7.5	0	9.5	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection												
Int Delay, s/veh	2.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	0	4	20	0	20	1	51	2	11	69	2
Future Vol, veh/h	1	0	4	20	0	20	1	51	2	11	69	2
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	2	2	2	2	2	2	2	4	2	2	2	2
Mvmt Flow	1	0	5	27	0	27	1	69	3	15	93	3
Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	196	199	95	196	199	70	96	0	0	72	0	0
Stage 1	124	124	-	73	73	-	-	-	-	-	-	-
Stage 2	72	74	-	123	126	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	763	697	962	763	697	992	1498	-	-	1529	-	-
Stage 1	880	793	-	937	834	-	-	-	-	-	-	-
Stage 2	938	833	-	881	792	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	734	689	962	750	689	992	1498	-	-	1529	-	-
Mov Cap-2 Maneuver	734	689	-	750	689	-	-	-	-	-	-	-
Stage 1	871	785	-	936	833	-	-	-	-	-	-	-
Stage 2	912	832	-	867	784	-	-	-	-	-	-	-
Approach	EB		WB		NB		SB					
HCM Ctrl Dly, s/v	9		9.5		0.14		0.99					
HCM LOS	A		A									
Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR				
Capacity (veh/h)	33	-	-	906	855	240	-	-				
HCM Lane V/C Ratio	0.001	-	-	0.007	0.063	0.01	-	-				
HCM Ctrl Dly (s/v)	7.4	0	-	9	9.5	7.4	0	-				
HCM Lane LOS	A	A	-	A	A	A	A	-				
HCM 95th %tile Q(veh)	0	-	-	0	0.2	0	-	-				

Intersection						
Int Delay, s/veh	0.6					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	10	44	5	0	93
Future Vol, veh/h	0	10	44	5	0	93
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Stop	-	None	-	None
Storage Length	-	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	11	48	5	0	101

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	-	51	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	6.22	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	3.318	-
Pot Cap-1 Maneuver	0	1018	-
Stage 1	0	-	-
Stage 2	0	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	1018	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	WB	NB	SB
HCM Ctrl Dly, s/v	8.58	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBT
Capacity (veh/h)	-	- 1018	-
HCM Lane V/C Ratio	-	- 0.011	-
HCM Ctrl Dly (s/v)	-	- 8.6	-
HCM Lane LOS	-	- A	-
HCM 95th %tile Q(veh)	-	- 0	-

Intersection												
Int Delay, s/veh	2.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↔			↔	
Traffic Vol, veh/h	1	0	4	20	0	20	1	51	2	11	69	2
Future Vol, veh/h	1	0	4	20	0	20	1	51	2	11	69	2
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	2	2	2	2	2	2	2	4	2	2	2	2
Mvmt Flow	1	0	5	27	0	27	1	69	3	15	93	3

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	196	199	95	196	199	70	96	0	0	72	0	0
Stage 1	124	124	-	73	73	-	-	-	-	-	-	-
Stage 2	72	74	-	123	126	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	763	697	962	763	697	992	1498	-	-	1529	-	-
Stage 1	880	793	-	937	834	-	-	-	-	-	-	-
Stage 2	938	833	-	881	792	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	734	689	962	750	689	992	1498	-	-	1529	-	-
Mov Cap-2 Maneuver	734	689	-	750	689	-	-	-	-	-	-	-
Stage 1	871	785	-	936	833	-	-	-	-	-	-	-
Stage 2	912	832	-	867	784	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Ctrl Dly, s/v	9	9.5	0.14	0.99
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	33	-	-	906	855	240	-
HCM Lane V/C Ratio	0.001	-	-	0.007	0.063	0.01	-
HCM Ctrl Dly (s/v)	7.4	0	-	9	9.5	7.4	0
HCM Lane LOS	A	A	-	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0.2	0	-

Intersection						
Int Delay, s/veh	0.6					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	10	44	5	0	93
Future Vol, veh/h	0	10	44	5	0	93
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Stop	-	None	-	None
Storage Length	-	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	11	48	5	0	101

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	-	51	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	6.22	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	3.318	-
Pot Cap-1 Maneuver	0	1018	-
Stage 1	0	-	-
Stage 2	0	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	1018	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	WB	NB	SB
HCM Ctrl Dly, s/v	8.58	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBT
Capacity (veh/h)	-	- 1018	-
HCM Lane V/C Ratio	-	- 0.011	-
HCM Ctrl Dly (s/v)	-	- 8.6	-
HCM Lane LOS	-	- A	-
HCM 95th %tile Q(veh)	-	- 0	-

Intersection												
Int Delay, s/veh	2.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↔			↔	
Traffic Vol, veh/h	4	0	4	13	0	13	3	69	6	33	142	1
Future Vol, veh/h	4	0	4	13	0	13	3	69	6	33	142	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	0	4	14	0	14	3	76	7	36	156	1

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	312	318	157	314	315	79	157	0	0	82	0	0
Stage 1	229	229	-	86	86	-	-	-	-	-	-	-
Stage 2	82	89	-	229	230	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	641	598	889	638	600	981	1423	-	-	1515	-	-
Stage 1	774	715	-	922	824	-	-	-	-	-	-	-
Stage 2	926	821	-	774	714	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	614	581	889	617	583	981	1423	-	-	1515	-	-
Mov Cap-2 Maneuver	614	581	-	617	583	-	-	-	-	-	-	-
Stage 1	753	696	-	920	822	-	-	-	-	-	-	-
Stage 2	910	819	-	750	695	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Ctrl Dly, s/v	10.02		9.94		0.29		1.39	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	68	-	-	726	758	337	-
HCM Lane V/C Ratio	0.002	-	-	0.012	0.038	0.024	-
HCM Ctrl Dly (s/v)	7.5	0	-	10	9.9	7.4	0
HCM Lane LOS	A	A	-	B	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0.1	0.1	-

Intersection						
Int Delay, s/veh	0.2					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	7	71	17	0	159
Future Vol, veh/h	0	7	71	17	0	159
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Stop	-	None	-	None
Storage Length	-	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	8	77	18	0	173

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	-	86	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	6.22	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	3.318	-
Pot Cap-1 Maneuver	0	972	-
Stage 1	0	-	-
Stage 2	0	-	-
Platoon blocked, %		-	-
Mov Cap-1 Maneuver	-	972	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	WB	NB	SB
HCM Ctrl Dly, s/v	8.73	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBT
Capacity (veh/h)	-	-	972
HCM Lane V/C Ratio	-	-	0.008
HCM Ctrl Dly (s/v)	-	-	8.7
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

July 21, 2026

Ms. Asia Browner
Blueprint Partners
113 S. Perry Street
Lawrenceville, GA 30046

RE: Service Availability Letter
Valley Hill Road Tract
Parcel #: S16-01006000
Land Lot 69, 12th District
Shree Real Estate Developers LLC &
Stewart Title Guaranty Company
Development Type: Townhomes

Ms. Browner:

As requested, let this letter serve as an acknowledgement of service availability and that the City of Stockbridge is the water and sewer provider. The previous capacity reservation approved for DR Horton has expired. To apply for capacity the developer will need to submit a request for capacity and pay the fee for the City to perform a water and sewer hydraulic analysis. This analysis is necessary to confirm that capacity exists to serve the development.

Sincerely,



Kevin Miller
Sewer Superintendent

Cc: Decius T. Aaron, Public Works Director
Chad Peden, PE, Carter & Sloope, Inc
Scott Mask, Water Superintendent



TO: Stockbridge Mayor and City Council
Stockbridge Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Veronica Green, Chief Planner

DATE: August 20, 2026 and September 17, 2026

SUBJECT: Staff Report for Zoning Modification Case #ZM-2026-02 for 55 Valley Hill Road (Council District 4)

PURPOSE

Applicant Yashesh Shah of Shree Developers Group (represented by Asia Mosee Browner) submitted a major zoning modification application on July 21, 2026 for the property at 55 Valley Hill Road. The purpose of the application (Case #ZM-2026-02) is to request changes to the previously-approved site plan for a townhome development, which was approved by the Stockbridge City Council via three cases on November 13, 2023. The three cases were: 1) Comprehensive Plan Amendment Case #CP-2023-02 (which changed the property's future land use designation to High-Density Residential); 2) Rezoning Case #RZ-2023-03 (which assigned the zoning district of MFR (Multiple Family Residential) to the property; and 3) Variance Case #VR-2023-02 (which approved a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet in the MFR district to 30 feet).

The previous applicant / owner / developer for CP-2023-02, RZ-2023-03, and VR-2023-02 was D. R. Horton, Inc., represented by Tiffany Hogan. The original proposal was to build 173 townhomes, but that was later reduced to 156 units via the site plan that was presented to City Council on the floor of the meeting prior to the approval of the cases. D. R. Horton later submitted an administrative (minor) zoning modification application to request that no road be built across the creek due to environmental site constraints. That request was approved by the Staff via a Decision Letter on August 4, 2025. However, despite the approval of the administrative zoning modification, as well as the previous zoning cases, the townhome development was not built and D. R. Horton sold the property to a new owner, OTAC Development Group, LLC.

Now, Shree Developers Group wishes to build a revised townhome development with 91 units on the southern portion of the property only, south of the creek, with frontage on Davis Road. Further, the applicant proposes to subdivide the subject property into two parcels in order to build the townhome development on the southern parcel and to sell the northern parcel. The applicant is therefore requesting the approval of ZM-2026-02 to allow for the approval of a revised site plan which shows the development of the southern portion of the property only. The zoning and future land use designation of the property would not change. The property contains 24.908 +/- total acres within the Stockbridge City Limits, of which 11.311 +/- acres lie south of the creek.

AERIAL PHOTOGRAPH

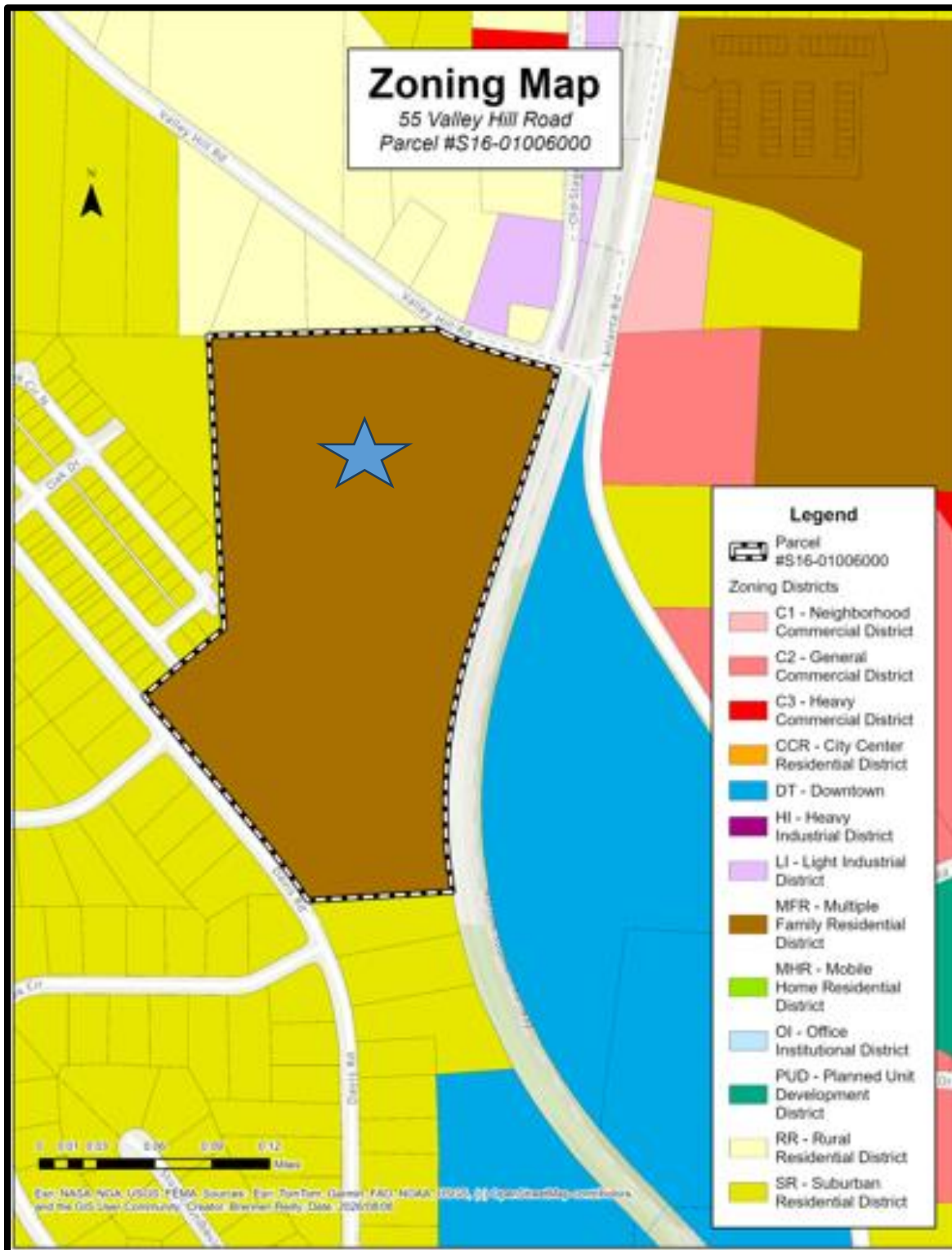
For 55 Valley Hill Road
(Parcel #S16-01006000)



CASE FACTS

Proposed Development:	Townhome community with 91 units.
Applicant:	Yashesh Shah of Shree Developers Group (represented by Asia Browner)
Site Address:	55 Valley Hill Road.
Parcel ID and Acreage:	Parcel #S16-01006000 with 24.908 acres.
District and Land Lot:	District 12, Land Lot 69
Owner:	OTAC Development Group
Property Location:	In Council District 4, on south side of Valley Hill Road, adjacent to railroad tracks and across from Old Stagecoach Road, west of East Atlanta Road.
Road Classification:	Valley Hill Road is classified as a “major collector”, according to the Henry County 2022 Transportation Plan Update.
Current Use:	Small office building, warehouse, and open shed.
Surrounding Uses:	~ <u>North</u>—Unity Baptist Church (built in 1880), Brannan Cemetery, First Christian Church, a small commercial building, and numerous individual single-family detached residences. ~ <u>South</u>—Bridge Park Subdivision, Stockbridge North Subdivision, and numerous individual single-family residences. ~ <u>East</u>—Railroad tracks of the Norfolk Southern Railway, Cochran Park (owned by Henry County), Rico’s Mexican Restaurant, Publix Shopping Center, and Diamonte Townes Condominiums (under construction). ~ <u>West</u>—Big Oak Villas single-family attached subdivision.
Existing Zoning:	MFR (Multiple Family Residential).
Surrounding Zoning:	~ <u>North</u>—LI (Light Industrial), RR (Rural Residential), SR (Suburban Residential), and C-3 (Heavy Commercial). ~ <u>South</u>—SR (Suburban Residential) and DT (Downtown) ~ <u>East</u>—DT (Downtown District), C-1 (Neighborhood Commercial), C-2 (General Commercial), C-3 (Heavy Commercial), and MFR (Multiple Family Residential). ~ <u>West</u>—SR (Suburban Residential)
Existing Future Land Use Designation:	High-Density Residential.
Physical Characteristics:	Property is bisected by a creek through the center. The northern portion contains four small industrial buildings near Valley Hill Road, shallow rock, and a large debris area.

CITY OF STOCKBRIDGE 2026 ZONING MAP FOR 55 VALLEY HILL ROAD (Shown with a Star)



CITY OF STOCKBRIDGE 2026 FUTURE LAND USE MAP For 55 Valley Hill Road (Shown with a Star)



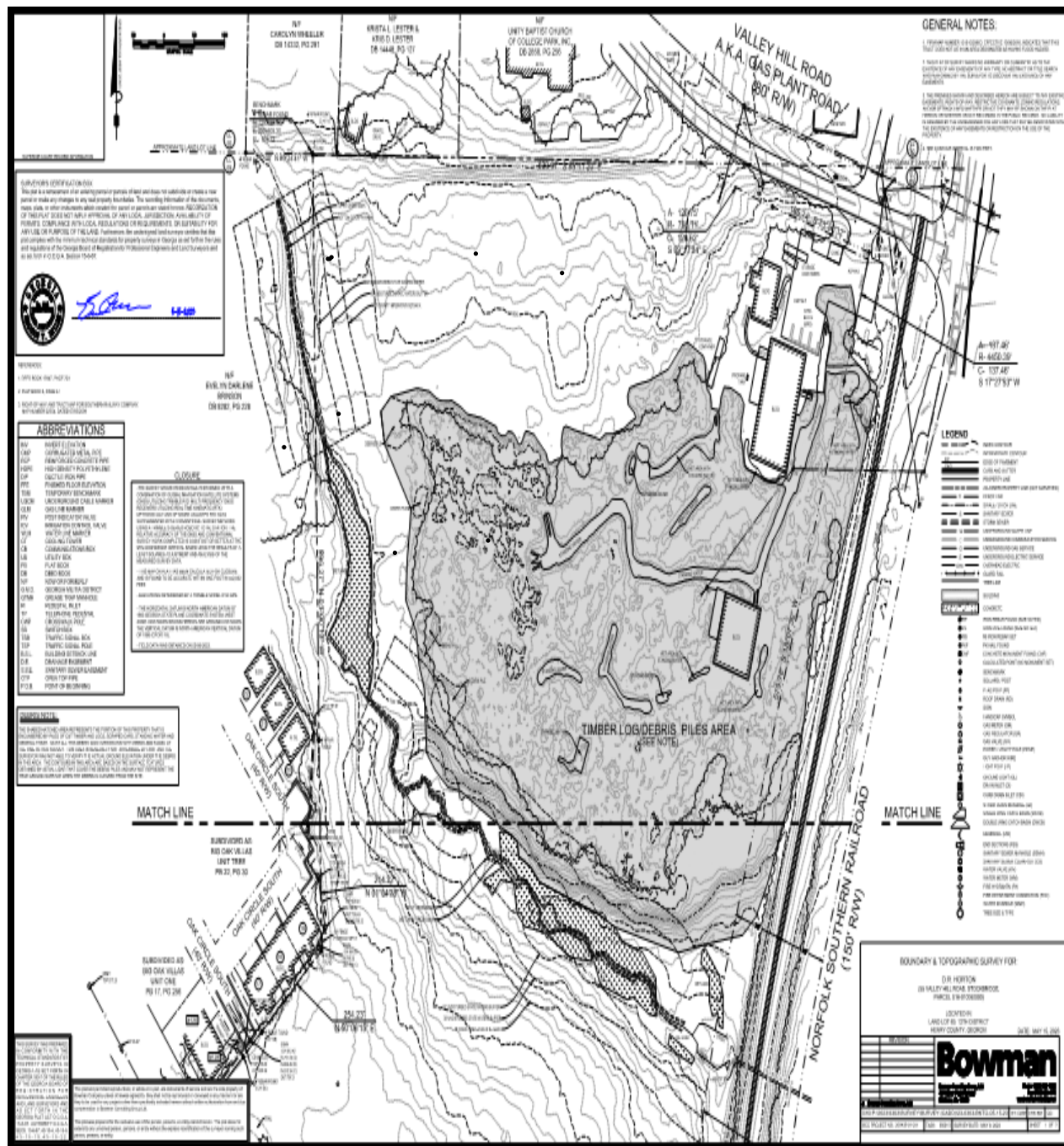
PROPERTY CONDITIONS

The subject property is located between Valley Hill Road to the north and Davis Road to the south, and it contains 24.908 +/- total acres. A creek traverses the center of the property, flanked by a 50-foot vegetative buffer and 75-foot impervious setbacks. The elevation drops by about 100 feet from Valley Hill Road down to Davis Road. Railroad tracks form the eastern boundary, adjacent to East Atlanta Road.

The area that is close to Valley Hill Road contains four small industrial buildings, with woods behind them. The previous applicant's survey states that the northern portion of the property contained a large "debris area", which includes a combination of piles of cut timber and logs, scraped cars, standing water, and general trash; and that it is overgrown with weeds and kudzu. The current applicant's Letter of Intent states that shallow rock is present across the majority of the northern portion of the property, making development infeasible.

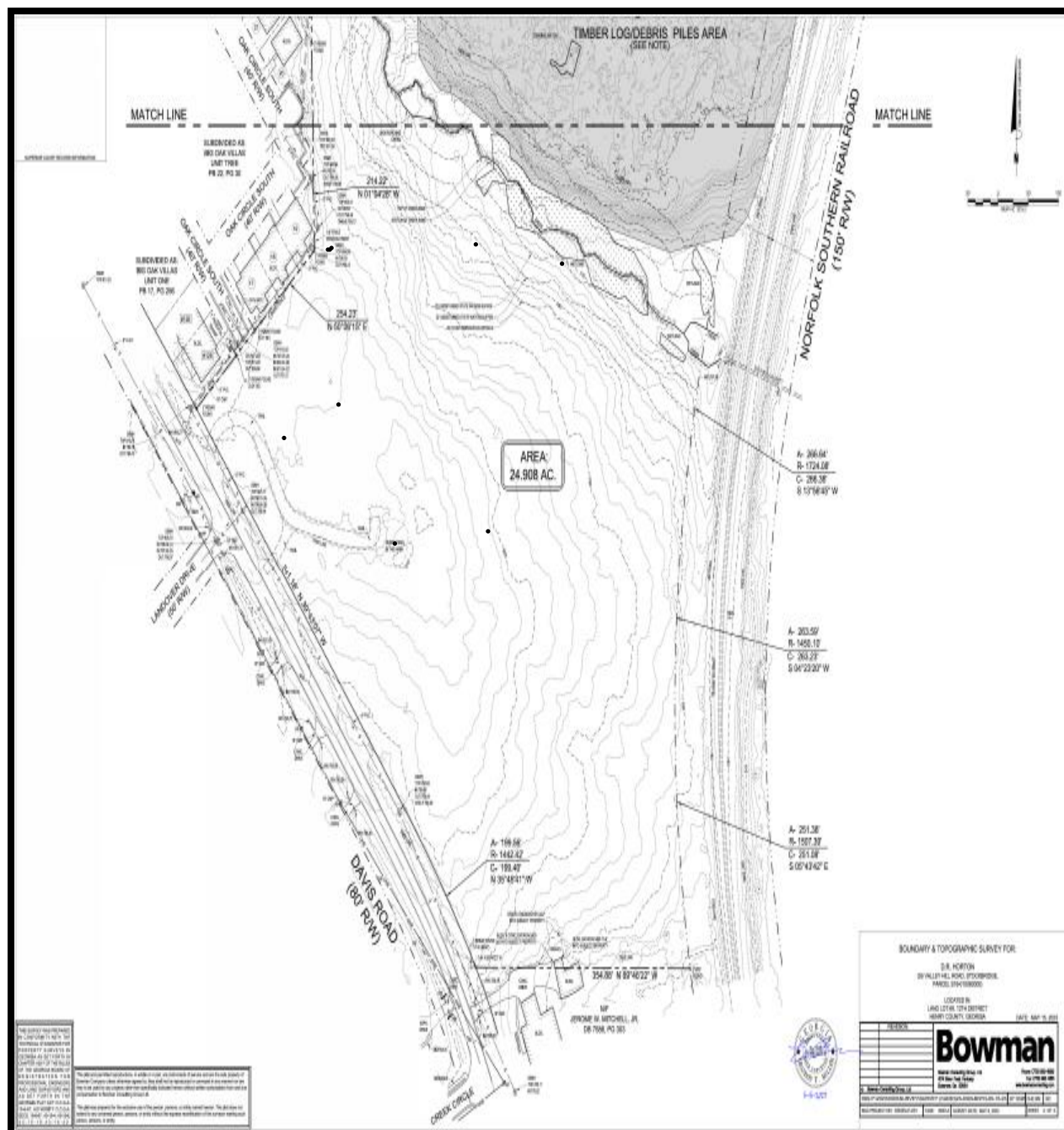
TOPOGRAPHIC SURVEY: NORTHERN SECTION

For 55 Valley Hill Road (Parcel #S16-01006000)



TOPOGRAPHIC SURVEY: SOUTHERN SECTION

For 55 Valley Hill Road (Parcel #S16-01006000)



PREVIOUSLY-APPROVED DEVELOPMENT

D. R. Horton received approval from the Stockbridge City Council for its proposed townhome development at 55 Valley Hill Road on November 13, 2023 with the approval of CP-2023-02, RZ-2023-03, and VR-2023-02. These approvals resulted in the property acquiring the future land use designation of High-Density Residential, being zoned as MFR (Multiple Family Residential), and being allowed the reductions in the front yard setbacks of the townhome lots to 30 feet. The approval of RZ-2023-03 was based on nine (9) zoning conditions, as are listed below.

1. **Comprehensive Plan Amendment** – The rezoning shall not be approved unless the applicant's requested Comprehensive Plan Amendment, via CP-2023-02, to change the subject property's future land use designation from Light Industrial to High-Density Residential is approved before, or simultaneously with, the approval of RZ-2023-03.
2. **Variance** – The rezoning shall not be approved unless the applicant's requested variance, via VR-2023-02, to reduce the required minimum front yard setback from 50 feet to 25 feet, is approved before, or simultaneously with, the approval of RZ-2023-03.
3. **Site Plan** – The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled "Concept Plan: Valley Hill Road Tract; Valley Hill Road; Stockbridge, Georgia, Henry Co.", which was prepared by Bowman Consulting Group, Ltd., dated 7/11/23, and received by the Planning and Zoning Office on July 3, 2023. The applicant shall submit a revised site plan which shows and labels all required setbacks and buffers, the number of unbuildable acres, and the net and gross densities of the proposed development.
4. **Additional Buffers**—The rezoning shall not be approved unless the applicant submits a revised site plan which shows the required 25-foot zoning buffer along the northern boundary, as well as the required 10-foot buffer at the eastern site boundary, adjacent to the railroad right-of-way.
5. **Sanitary Sewer Availability** – The rezoning shall not be approved unless the developer submits construction plans to the Stockbridge Public Works Department by June 29, 2024, or that office otherwise determines that sufficient sanitary sewer capacity is available to serve the proposed development.
6. **Traffic Impact Study** – The rezoning shall not be approved unless the applicant submits a traffic impact study which provides satisfactory traffic and transportation data.
7. **Environmental Impact Study** – The rezoning shall not be approved unless the applicant submits an environmental impact study which provides satisfactory environmental data.

8. A gate shall be constructed with the development.
9. There shall be a 5% rental cap on the townhomes.

PREVIOUSLY-APPROVED REZONING SITE PLAN

The approval of RZ-2023-03 was conditioned upon a site plan that was entitled, “Concept Plan: Valley Hill Road Tract; Valley Hill Road; Stockbridge, Georgia, Henry Co.”, which was prepared by Bowman Consulting Group, Ltd., dated 7/11/23, and received by the Planning and Zoning Office on July 3, 2023. The site plan showed the main project entrance off Valley Hill Road and a secondary access off Davis Road. A new, internal street was to traverse the existing creek, thereby connecting the northern and southern portions of the site. Several internal streets and cul-de-sacs were also to be installed. An open space area, guest parking, and a dumpster area were to be located near the main entrance.

At the center of the development site, a clubhouse, swimming pool, and more guest parking were to be provided. A second dumpster area and three more small open spaces areas were to be located south of the creek, and three stormwater ponds were to flank the creek. A mandatory homeowners’ association was to be provided to maintain the development site.

Each townhome unit was to have a two-car garage, and 70 additional guest parking spaces were to be provided within four small guest parking areas. All of the proposed townhome units would have had at least three bedrooms, with a few units having four bedrooms.

A 25-foot required zoning buffer was to surround the property, and a required 10-foot railroad right-of-way side yard setback (per Section 4.3.2 of the UDC) was to be provided along the eastern side of the property. A 25-foot stream buffer, a 50-foot undisturbed buffer, and a 75-foot impervious surface setback on both sides of the creek were to be located near the center of the property.

The proposed townhome buildings were to be located 20 feet apart to meet the MFR requirements. The previous applicant had a variance to reduce the front yard setbacks of the townhome lots from 50 feet to 25 feet, but they were approved for 30 feet via VR-2023-02. The applicant actually submitted a final site plan on November 11, 2023 during the Council meeting.

PREVIOUSLY-APPROVED SITE PLAN FROM RZ-2023-03—TOTAL AREA



PREVIOUSLY-APPROVED SITE PLAN FROM RZ-2023-03—ENLARGED



PREVIOUSLY-APPROVED MINOR (ADMINISTRATIVE) ZONING MODIFICATION

The Community Development Department received an application for an administrative (minor) zoning modification for 55 Valley Hill Road on June 18, 2025 from the previous applicant's engineering firm, Kimley-Horn and Associates, Inc. It include a revised site plan (to replace the approved site plan from Rezoning Case #RZ-2023-03) showing no road access between the northern and southern portions of the property, crossing the existitng creek. The Letter of Intent stated that the road crossing was eliminated “. . . due to the potential for flooding onsite and the likelihood of soil erosion and saturation beneath the road crossing . . .” It was based on a Letter of Clarification from Connor Galloway, P.E., of Kimley-Horn and Associates, Inc. (the engineer for the previous developer), dated 07/09/25, which explained that, from an engineering standpoint, a road crossing over the creek would not be feasible:

Road Crossing Infeasibility

The road crossing in the site plan approved under RZ-2023-03 contemplates an earthen embankment upon which the road would be built, and a culvert placed within in order to convey water flowing through the creek. There is an existing culvert passing underneath the adjacent railroad. It is expected that this existing culvert is undersized and very likely causes water to back up onto the subject parcel during heaver rain events. If the proposed road crossing were to be installed, it will fall within this backwater area, thereby causing these storm flows to rise higher during heaver rain events, to an extent that will be unacceptable to the railroad and potentially cause other issues with the proposed embankment (erosion of the embankment, saturation of soil causing weakness over time).

The revised site plan was entitled, “Templar Valley Hill: Concept Site Plan”, undated, and it was drawn by WIB as Project No. 017950007, Sheet Number C1.90. It was reviewed by the Stockbridge City Engineer, who agreed that a road crossing over the creek would not be feasible. As a result, the Community Development Department approved the administrative zoning modification application, with the condition that a pedestrian crossing over the creek be provided, if possible.

PROPOSED DEVELOPMENT

The subject property has been sold and has a new developer and applicant, who wishes to build townhomes only on the southern portion of the property after subdividing it. The current applicant submitted a two-page conceptual site plan that was prepared by Blueprint Partners Engineering, LLC on 5/4/2026, and which was received by the Planning & Zoning Office on August 7, 2026. The first page, Sheet Number ZM-01, is titled, “Overall Overall [sic] Zoning Modification Plan”, and it shows the entire property. The second page, Sheet Number ZM-02, is titled, “Zoning Modification Plan”, and it is an enlargement of the southern portion of the property only, where the proposed townhomes would be built. Copies of both pages of the conceptual site plan are shown below.

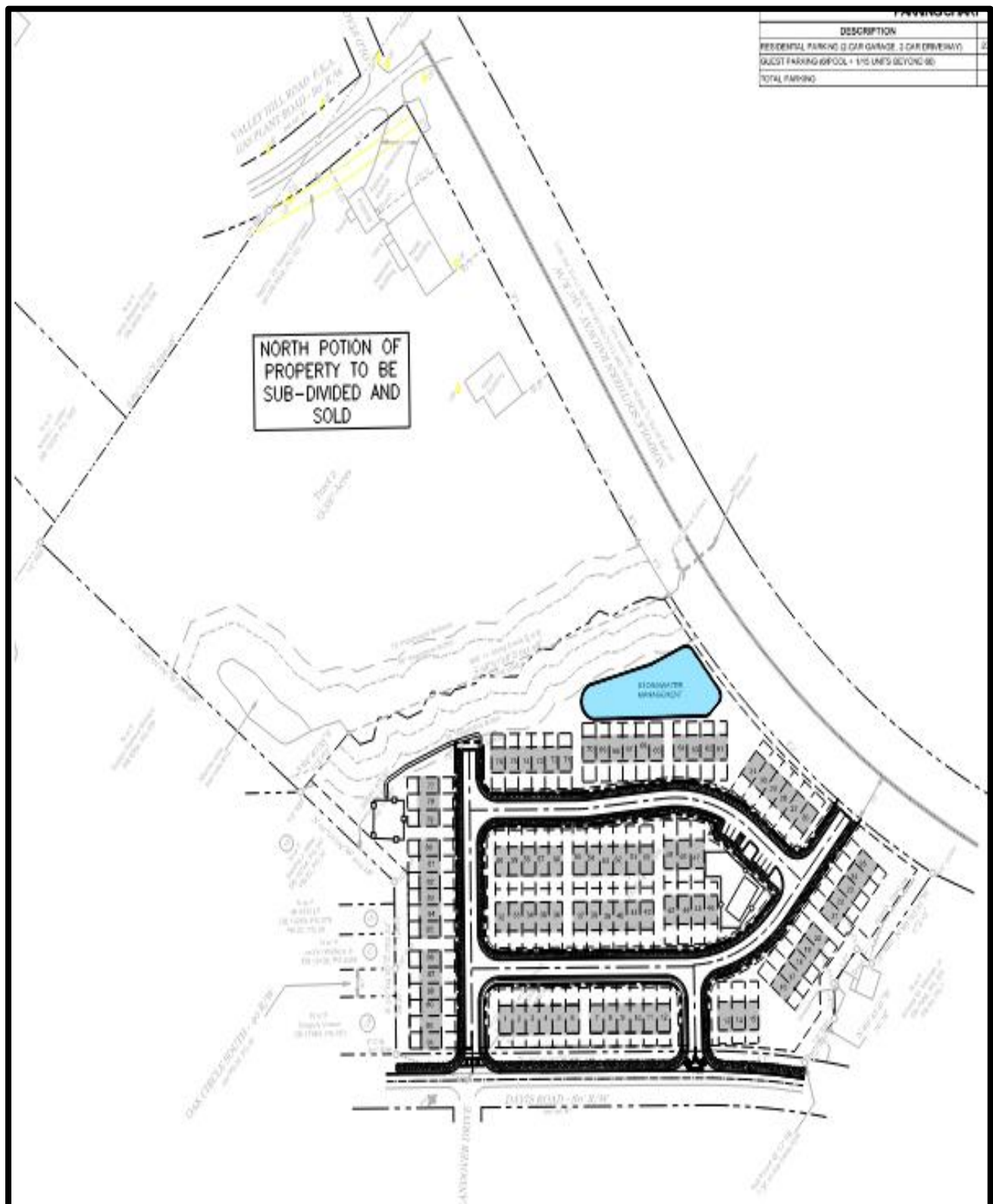
The applicant's Letter of Intent, dated 6/23/2026, stated that the revised site plan was prepared "to better respond to existing site conditions as well as community considerations." Further, the revised site plan "represents a thoughtful refinement of the originally approved development by reducing the overall intensity, responding to existing site constraints, and enhancing community features."

The Site Data Chart on the Zoning Modification Plan shows that the applicant proposes to build ninety-one (91) townhome units on 11.311 +/- acres within the southern portion only of the property at 55 Valley Hill Road, after subdividing the property. (The northern portion of the property would be sold.) The gross density would be 8.04 units per acre, which is within the allowable High-Density Residential density range of 8.00 to 16.00 units per acre. Open space would comprise 3.59 acres of the site plan, representing 31.73 percent of the site (thereby exceeding the 15 percent required minimum).

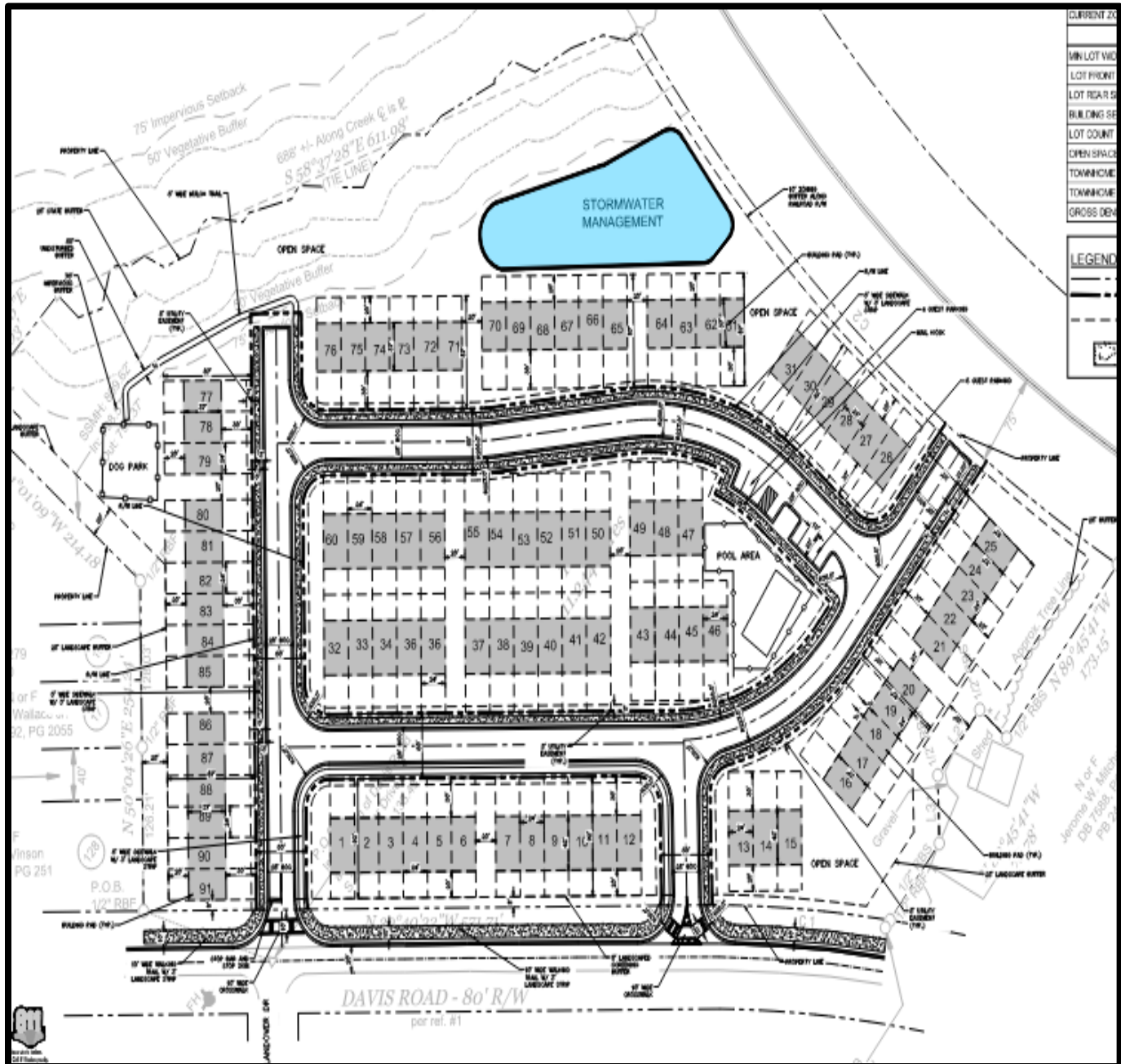
The conceptual site plan shows that two entrances would be provided off Davis Road, and an internal circular street would serve the proposed townhomes. The proposed amenities include a pool with a 10-space guest parking lot, an adjacent mail kiosk, a pickleball court, a dog park, a 10-foot-wide mulch trail near the creek, and two open space areas. A 5-foot-wide sidewalk with a 3-foot-wide landscaped strip would be provided on both sides of all internal streets within the development. A 25-foot-wide landscaped buffer would be provided along with eastern and western sides of the property, and a 10-foot-wide zoning buffer would be provided along the railroad. In addition, an "enhanced 8-foot landscape buffer" would be provided along the Davis Road frontage to provide visual screening and to create a more compatible transition between the proposed townhomes and the adjacent residential developments. A large stormwater management area would be designated adjacent to the creek.

The townhome lots would be of two sizes. The smaller lots would measure 24 feet by 87 feet and the larger units would measure 24 feet by 92 feet. Two-story buildings would be located on 50 lots and three-story buildings would be located on 41 lots. The townhome buildings would be separated by 20 feet. No townhome buildings would have more than six units. The front yard setbacks would be 30 feet and the rear yard setbacks would be twenty 20 feet.

PROPOSED CONCEPTUAL SITE PLAN—TOTAL PROPERTY
From Sheet Number ZM-01, “Overall Overall [sic] Zoning Modification Plan”



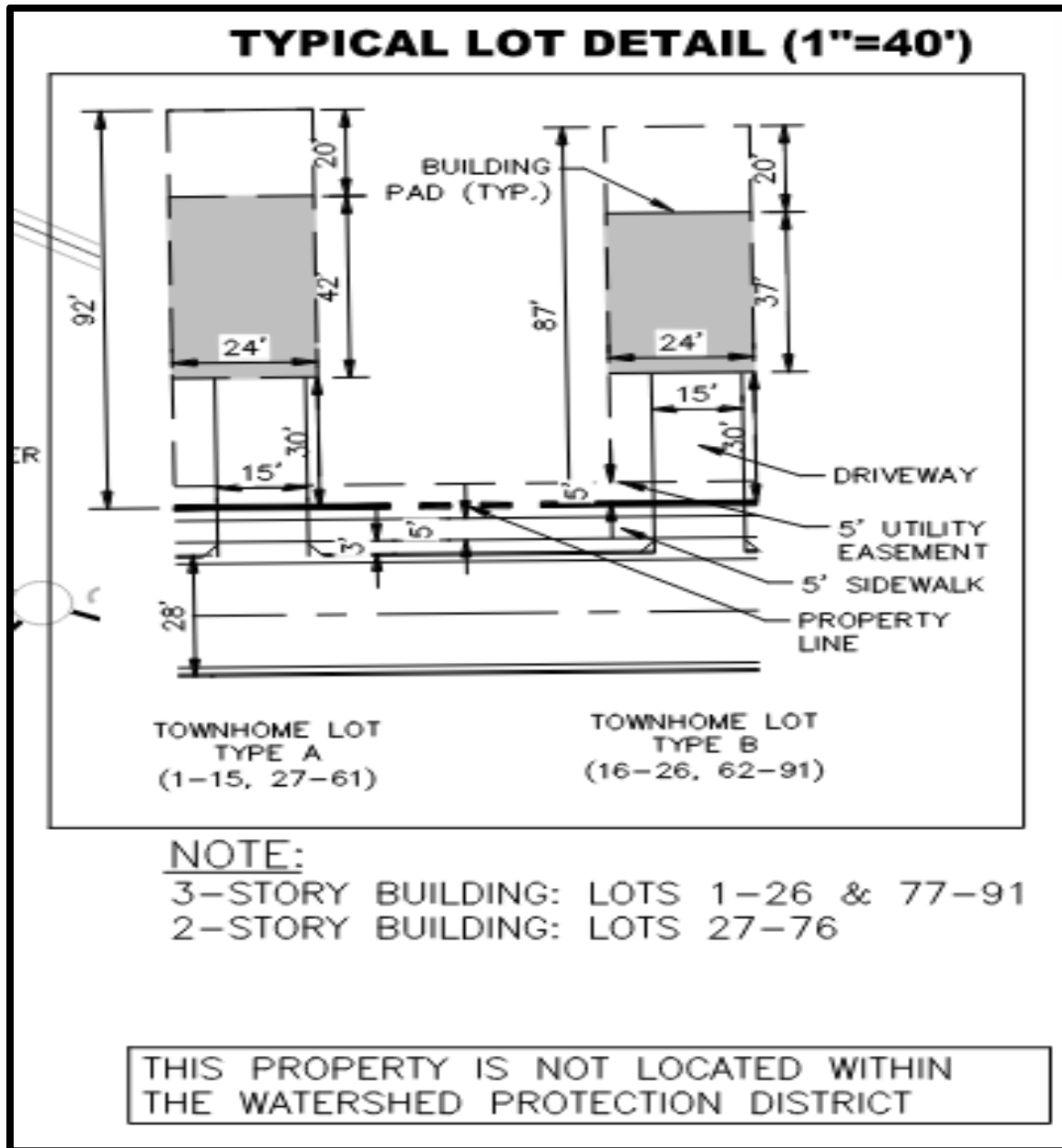
**PROPOSED CONCEPTUAL SITE PLAN—
ENLARGEMENT OF SOUTHERN PORTION ONLY**
From Sheet Number ZM-02, "Zoning Modification Plan"



PROPOSED TOWNHOME LOT DATA

PROPOSED DATA	
MIN LOT WIDTH	24 FT
LOT FRONT SETBACK	30'
LOT REAR SETBACK	20'
BUILDING SEPERATION	20'
LOT COUNT	91
OPEN SPACE (15% MIN)	31.73% (3.59 AC)
TOWNHOME LOT A	24' X 92'
TOWNHOME LOT B	24' X 87'
GROSS DENSITY	8.04 UNITS/ACRE

PROPOSED TOWNHOME LOT DESIGN



RENDERING OF A PROPOSED TOWNHOME BUILDING



The applicant obtained a letter from the City's Public Works Office, dated July 21, 2026, which stated that the City provides water and sewer services to the property at 55 Valley Hill Road. However, a capacity analysis has not yet been performed to determine whether sufficient capacity exists to serve the proposed development.

CONCLUSIONS

1. The subject property contains various environmental constraints within the northern portion of the site, including shallow rock, a large debris area, and a suspected inadequate railroad culvert. These constraints would make it difficult to build in that area.
2. The inadequacy of the railroad culvert, plus the likely flooding of the creek if the desired road connecting the northern and southern portions of the property were to be built, would make it infeasible to build the connecting road.
3. Since it is infeasible to build the proposed townhomes on the northern portion of the property, and to build the connecting road, the previously-approved site plan via RZ-2023-03 cannot be developed.

4. The environmental constraints which prevent the previously-approved site plan from being developed were not caused by the previous applicant nor by the current applicant. Therefore, relief must be allowed in the form of granting a major zoning modification to free the applicant from being required to build the infeasible site plan, and to allow the applicant to utilize a new site plan for the southern portion of the property only.
5. The current applicant's proposed site plan is substantially similar to the previously-approved one for the southern portion of the property.
6. Before any development may occur on the southern portion of the property, the existing parcel must be subdivided into two parcels.
7. New zoning conditions may be imposed upon the applicant's proposed site plan and development proposal.

RECOMMENDATIONS

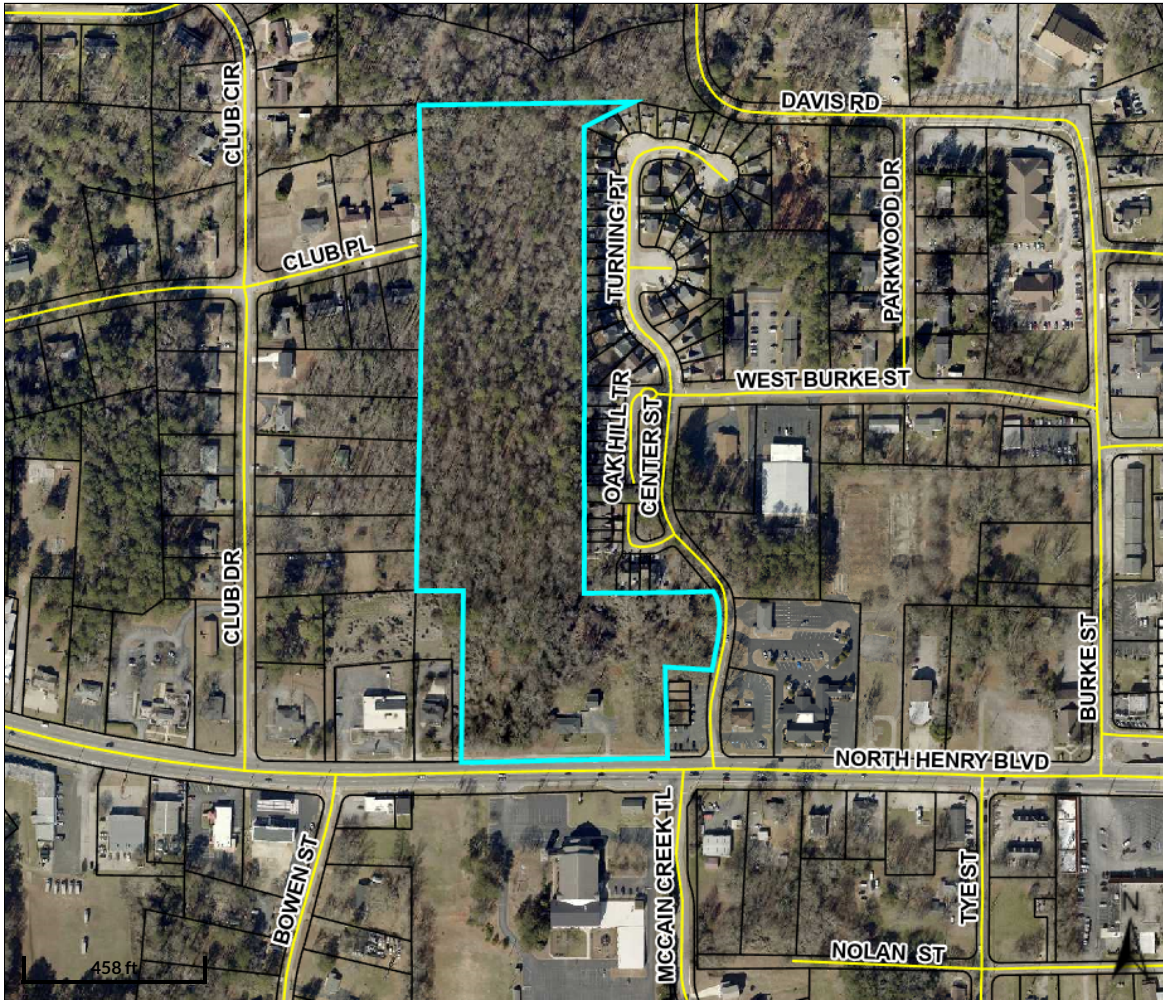
1. The applicant shall be granted a major zoning modification for the purpose of freeing the applicant from having to build the previously-approved site plan from RZ-2023-03 on the physically-infeasible northern portion of the property.
2. The existing parcel shall be subdivided into two parcels, and before any land disturbance permit is issued, the applicant shall provide the Staff with a copy of the recorded plat.
3. The southern portion of the property (to become a separate parcel) shall be developed in substantial conformity with the applicant's Sheet Number ZM-02, entitled, "Zoning Modification Plan", of the two-page conceptual site plan that was prepared by Blueprint Partners Engineering, LLC on 5/4/2026, and which was received by the Planning & Zoning Office on August 7, 2026.
4. No land disturbance permit (LDP) shall be issued and no development activity shall occur on the property until the property is first subdivided into two parcels, and a copy of the recorded plat is provided to the Community Development Department.
5. No more than 91 townhome units shall be developed on the property.
6. No more than six townhome units shall be located within one townhome building.
7. All townhome buildings shall have at least 75 percent brick or stone on all four facades, per Section 4.4.4 of the Stockbridge Unified Development Code.
8. A 25-foot buffer shall be established and maintained along the eastern and western

sides of the property.

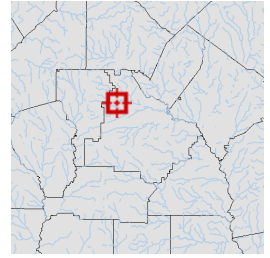
9. An HOA shall be established, or a property management company shall be secured, who shall maintain the common areas of the property.
10. All internal streets shall provide the required minimum turning radii.
11. The applicant shall obtain a new water and sewer capacity letter from the Public Works Office and shall comply with its findings.



Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S18-02002005	Class	Commercial	Owner	QMS ENTERPRISES	Land	\$1,947,500				
Property	4882 NORTH	Acreage	15.58	Address	LP &	Value:					
Address	HENRY BLVD				QUILLIAN GEORGE	Building	\$206,300	Last 2 Sales			
District	City/Stockbridge				W&CYNTHIA	Value:		Date	Price	Reason	Qual
TAD					1482 N DECATUR	Misc	\$3,300	7/31/1999	\$0	U	U
					RD	Value:		11/1/1985	\$84,500	U	U
					ATLANTA, GA	Total	\$2,157,100				
					303062423	Value:					

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 7/29/2026

Last Data Uploaded: 7/29/2026 6:43:32 PM

Developed by  SCHNEIDER
GEOSPATIAL

Date: August 19, 2026

To: Planning Commission Board Members, City of Stockbridge, Stockbridge, GA 30281

Subject: Public Opposition – Case ZM-2026-03 filed by Apex Stockbridge LLC

Dear Stockbridge Planning Commissioners,

This document constitutes formal opposition regarding Case ZM-2026-03 for the 15.601-acre parcel at 4882 North Henry Boulevard. As a resident who has lived directly adjacent to this property along Brush Creek for over three decades, I speak alongside a unified coalition of deeply concerned neighbors. We officially call for this body to **deny the developer's requested modifications, recommend a complete reversal of the high-density zoning, and return the property to its original "future land use designation."** This request is based on severe infrastructure strain and critical environmental hazards—specifically the extreme instability of the adjacent creek, which cannot support a high-density footprint without causing catastrophic erosion and runoff.

The developer's requested modifications to the safeguards established under RZ-2023-10 should be denied based on the following:

- **Active Sewage Infrastructure Failure:** The public sewage main line runs through unstable, saturated, flood-prone soils just feet from the creek bed behind Creek Circle. This localized system is already compromised, resulting in documented sanitary sewer overflows (SSOs) that flood residential yards. Forcing 90 high-density townhome units onto this compromised area creates an immediate and lasting ecological and public health hazard.
- **Environmental Encroachment & Floodway Risks:** A portion of this 15.601-acre parcel's buildability is dangerously questionable due to protected creek buffers and a designated FEMA flood zone. The true net density on the remaining dry ground will be unsustainably compressed, eliminating the natural wooded buffer that currently absorbs stormwater runoff for Stockbridge North, Turning Point, and adjacent communities.
- **Bypassing Public Standards & Safety:** The developer's requested modifications threaten local property values, safety, and public infrastructure. Removing the three-sided brick mandate lowers construction quality, while lifting the 10% rental cap invites bulk institutional investors and transient tenancy. Additionally, removing the security gate turns internal roads into public thoroughfares, shifting future roadway infrastructure and maintenance costs directly onto Stockbridge taxpayers while compromising local safety. Finally, replacing a centralized dumpster with 180 individual bins introduces a permanent logistical and aesthetic nuisance. These collective downgrades undermine community standards.

- **Active State and Federal Investigations:** Due to the proximity of the compromised sewage lines to an active creek bed in a FEMA-designated flood zone, formal requests for immediate review have been filed with the **U.S. Army Corps of Engineers (Savannah District)** and the **Georgia EPD Watershed Protection Division**. Approval of any site plan modifications prior to the completion of these active federal and state environmental audits would be premature and irresponsible.

We respectfully call on the Planning Committee to **deny these modifications, recommend the reversal of the high-density zoning, and return the property to its original “future land use designation.”**

Thank you for your service and for protecting our community.

Sincerely,
Karen Charmaine
110 Creek Cir., Stockbridge, GA 30281
770-403-0390



4080 McGinnis Ferry Road
Suite 203
Alpharetta, GA 30005
(O) 770.777.4704
(C) 404.732.4136

August 18, 2026

Linda Logan
Senior Planner
City of Stockbridge

Re: ZA-2026-03

Dear Ms. Logan:

I would like to formally request that case ZM-2026-03 for 4882 North Henry Boulevard be postponed until the September 17, 2026 Planning Commission Meeting.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop and ends with a long, horizontal stroke.

Aaron Rissler
Apex Stockbridge, LLC

Title - Legal Description

A parcel of land lying in Land Lot 60 of the 12th Land District, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (80' public right of way), thence run North 88 degrees 04 minutes 52 seconds West along said right of way for a distance of 90.76 feet to set 5/8" capped rebar (L.S.F. #1390), said point being the POINT OF BEGINNING, of the parcel herein described.

Thence leaving said POINT OF BEGINNING along a curve to the left, said curve having a radius of 11,504.16 feet, a central angle of 01 degrees 43 minutes 07 seconds, chord bearing of South 89 degrees 34 minutes 39 seconds West, and a chord length of 345.07 feet, thence run along the arc of said curve and said right of way of North Henry Boulevard (80' public right of way) for a distance of 345.08 feet to a point; thence run South 88 degrees 43 minutes 05 seconds West along said right-of-way for a distance of 149.14 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence leaving said right-of-way run North 00 degrees 35 minutes 07 seconds East for a distance of 242.73 feet to found 5/8" rebar; thence run North 00 degrees 25 minutes 55 seconds East for a distance of 147.06 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence run North 88 degrees 16 minutes 15 seconds West for a distance of 113.63 feet to a found angle iron; thence run North 00 degrees 58 minutes 11 seconds East for a distance of 175.98 feet to a found axle; thence run North 00 degrees 59 minutes 58 seconds East for a distance of 194.50 feet to a found 2" open top pipe; Thence run North 00 degrees 43 minutes 22 seconds East for a distance of 99.74 feet to a found 1 1/2" open top pipe; Thence run North 00 degrees 31 minutes 28 seconds East for a distance of 118.41 feet to found 1" rod; thence run North 00 degrees 41 minutes 12 seconds East for a distance of 521.49 feet to a found 1/2" open top pipe; thence run North 00 degrees 03 minutes 10 seconds West for a distance of 55.55 feet to a found 1/2" open top pipe; thence run South 88 degrees 56 minutes 26 seconds East for a distance of 399.83 feet to a found axle; thence run South 00 degrees 45 minutes 47 seconds West for a distance of 1,158.71 feet to a found 1/2" rebar; thence run South 87 degrees 24 minutes 31 seconds East for a distance of 207.77 feet to a found 3/8" rebar; thence run North 89 degrees 36 minutes 08 seconds East for a distance of 124.09 feet to a set 5/8" capped rebar (L.S.F. #1390) lying on the westerly right of way of Center Street (40' public right of way); said point lying on a curve to the right, said curve having a radius of 406.21 feet, a central angle of 28 degrees 24 minutes 14 seconds, chord bearing of South 05 degrees 22 minutes 57 seconds West, and a chord length of 199.32 feet, thence run along the arc of said curve and said right of way for a distance of 201.37 feet to a set 5/8" capped rebar (L.S.F. #1390); thence leaving said right of way run North 89 degrees 57 minutes 17 seconds West for a distance of 106.88 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run South 00 degrees 22 minutes 03 seconds West for a distance of 180.01 feet to the POINT OF BEGINNING.

Said parcel contains 678,640 square feet, or 15.579 acres.

As Surveyed - Legal Description (Overall)

A parcel of land lying in Land Lot 60 of the 12th Land District, City of Stockbridge, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (variable public right of way), thence run North 89 degrees 20 minutes 26 seconds West along said right of way for a distance of 90.76 feet to set 5/8" capped rebar (L.S.F. #1390) and the TRUE POINT OF BEGINNING.

Thence leaving said TRUE POINT OF BEGINNING and run thence westerly along a curve having a radius of 11,504.16 feet, a central angle of 01 degrees 43 minutes 07 seconds, chord bearing of South 89 degrees 34 minutes 39 seconds West a chord length of 345.07 feet, and along the arc of said curve and said right of way of North Henry Boulevard (variable public right of way) for an arc distance of 345.08 feet to a point; thence run South 88 degrees 43 minutes 05 seconds West along said right-of-way for a distance of 149.14 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence leaving said right-of-way run North 00 degrees 35 minutes 07 seconds East for a distance of 242.73 feet to found 5/8" rebar; thence run North 00 degrees 25 minutes 55 seconds East for a distance of 147.06 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence run North 88 degrees 16 minutes 15 seconds West for a distance of 113.63 feet to a found angle iron; thence run North 00 degrees 58 minutes 11 seconds East for a distance of 175.98 feet to a found axle; thence run North 00 degrees 59 minutes 58 seconds East for a distance of 194.50 feet to a found 2" open top pipe; Thence run North 00 degrees 43 minutes 22 seconds East for a distance of 99.74 feet to a found 1 1/2" open top pipe; Thence run North 00 degrees 31 minutes 28 seconds East for a distance of 118.41 feet to found 1" rod; thence run North 00 degrees 41 minutes 12 seconds East for a distance of 521.49 feet to a found 1/2" open top pipe; thence run North 00 degrees 03 minutes 10 seconds West for a distance of 55.55 feet to a found 1/2" open top pipe; thence run South 88 degrees 56 minutes 26 seconds East for a distance of 399.83 feet to a found axle; thence run South 00 degrees 45 minutes 47 seconds West for a distance of 1,158.71 feet to a found 1/2" rebar; thence run South 87 degrees 24 minutes 31 seconds East for a distance of 207.77 feet to a found 3/8" rebar; thence run North 89 degrees 36 minutes 08 seconds East for a distance of 124.09 feet to a found 5/8" capped rebar lying on the westerly right of way of Center Street (40' public right of way); run thence south westerly along a curve having a radius of 406.21 feet, a central angle of 28 degrees 24 minutes 14 seconds, chord bearing of South 05 degrees 22 minutes 57 seconds West, a chord length of 199.32 feet, along the arc of said curve and said right of way for an arc distance of 201.37 feet to a set 5/8" capped rebar (L.S.F. #1390); thence leaving said right of way run North 89 degrees 57 minutes 17 seconds West for a distance of 106.88 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run South 00 degrees 22 minutes 03 seconds West for a distance of 180.01 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 678,640 square feet, or 15.579 acres.

Proposed Right Of Way Dedication

A parcel of land lying in Land Lot 60 of the 12th Land District, City of Stockbridge, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (80' public right of way), thence run North 89 Degrees 20 Minutes 26 Seconds West along said northerly right of way of North Henry Boulevard for a distance of 90.76 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run North 89 Degrees 35 Minutes 16 Seconds West along said right-of-way for a distance of 9.89 feet to a point being the TRUE POINT OF BEGINNING;

Thence leaving said TRUE POINT OF BEGINNING, run southwesterly along the arc of a curve having a radius of 11,504.16 feet, a central angle of 01 Degrees 40 Minutes 10 Seconds, a chord bearing of South 89 Degrees 33 Minutes 10 Seconds West a chord distance of 335.18 feet, and along the arc of said curve and said right-of-way for a distance of 335.19 feet to a point; Thence run South 88 Degrees 43 Minutes 05 Seconds West for a distance of 143.22 feet to a point; Thence leaving said right-of-way run North 62 Degrees 25 Minutes 19 Seconds East for a distance of 28.22 feet to a point; Thence run North 88 Degrees 43 Minutes 05 Seconds East for a distance of 80.81 feet to a point; run thence northeasterly on a curve having a radius of 7.50 feet, a central angle of 47 Degrees 53 Minutes 16 Seconds, a chord bearing of North 64 Degrees 46 Minutes 28 Seconds East a chord distance of 6.09 feet, and along the arc of said curve for a distance of 6.27 feet to a point; run thence northeasterly along the arc of a curve having a radius of 24.50 feet, a central angle of 48 Degrees 12 Minutes 56 Seconds, a chord bearing of North 64 Degrees 56 Minutes 18 Seconds East a chord distance of 20.01 feet, and along the arc of said curve an arc distance of 20.62 feet to a point; Thence run North 89 Degrees 02 Minutes 46 Seconds East for a distance of 65.43 feet to a point; Thence run North 89 Degrees 02 Minutes 46 Seconds East for a distance of 123.42 feet to a point; Thence run South 75 Degrees 01 Minutes 04 Seconds East for a distance of 52.10 feet to a point; Thence run North 89 Degrees 46 Minutes 29 Seconds East for a distance of 83.96 feet to a point; Thence run South 68 Degrees 34 Minutes 12 Seconds East for a distance of 27.72 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 7,712 square feet, or 0.177 acres.



July 10, 2026

City of Stockbridge - City Council
4640 N Henry Blvd
Stockbridge, GA 30281

RE: Letter of Intent for Zoning Modification – Bridgeview Townhomes

To whom it may concern,

Please accept this Letter of Intent on behalf of Apex Stockbridge regarding the residential development known as Bridgeview Townhomes. We are formally requesting a modification to the existing zoning conditions to better align the project with current market demands, modern infrastructure standards, and long-term community viability.

Specifically, we request the removal of three current zoning conditions:

- **Amenity Requirements:** We request the removal of the condition requiring a community pool and clubhouse. Eliminating these high-maintenance features will lower future Homeowners Association (HOA) dues, making these homes more accessible and financially sustainable for residents.
- **Waste Collection System:** We request the removal of the central dumpster requirement. In its place, we propose individual, curbside roll-out waste collection for each townhome unit, which provides a cleaner, more traditional residential aesthetic and eliminates a central source of odor and debris.
- **Rental Restrictions:** We request the removal of the condition prohibiting the townhomes from being rented. Lifting this restriction provides property owners with necessary financial flexibility and meets the growing demand for diverse housing options within the City of Stockbridge.
- **Gated Community Requirement:** We request the removal of the condition requiring that the community be gated. This requirement puts a large HOA fee burden on homeowners to finance the ongoing maintenance of the roads and curbs throughout the subdivision.
- **Architectural Design – Three Sides Brick:** We request the removal of the condition requiring three sides brick and replace it with a condition stating the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting.

We look forward to presenting this request at the upcoming City Council meeting. Thank you for your time, consideration, and continued service to our community.

Sincerely,

Eric Armstrong

Eric Armstrong
Project Manager

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4882 North Henry Blvd., Stockbridge [address], with Parcel Number S18-02002005, which is the subject of this application.

Name of Property Owner: Apex Stockbridge, LLC
Property Owner's Address: 4080 McGinnis Ferry Rd., Ste 203, Alpharetta, GA 30005
Telephone: 404-732-4136 E-mail: aaronrissler@icloud.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ Date: 7/10/2026

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Sarah Shirk, Adam Price, PE, Tyler Price, PE

Company/law firm (if applicable): Falcon Design Consultants, LLC

Telephone, E-Mail, & Address: 770-389-8666, sshirk@fdc-llc.com, aprice@fdc-llc.com

tprice@fdc-llc.com, 235 Corporate Center Dr., Ste 200, Stockbridge, GA 30281

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

July 10, 2026
Date

Emily Prescott

Signature of Notary Public

Emily Prescott
Printed Name of Notary Public

July 10, 2026
Date

Notary Public Seal Stamp:



A B C D E F G H I J K L M N O P Q

BK:65 PG:237-237
Filed and Recorded
Aug-13-2024 10:03 AM
DOC# 2024 - 000180
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6931030795

THIS BLOCK RESERVED FOR THE CLERK OF THE
SUPERIOR COURT.

ZONING

THE SUBJECT PROPERTY IS ZONED MFR # PMU PER CITY OF STOCKBRIDGE ORDINANCE R2-2023-10 DATED FEBRUARY 12, 2024.

THE SETBACKS FOR ZONE MFR MULTIPLE FAMILY RESIDENTIAL # PMU PARKWAY MIXED USE PER CITY OF STOCKBRIDGE MUNICODIC ACCESSED ON 07/23/2024 ARE AS FOLLOWS:

MFR FRONT: 50 FEET SIDE: 15 FEET REAR: 20 FEET MAXIMUM BUILDING HEIGHT: 45 FEET	PMU FRONT: N/A SIDE: N/A REAR: N/A MAXIMUM BUILDING HEIGHT: 20 STORIES (MINIMUM 2 STORIES)
---	---

ANY SETBACKS AND BUFFERS SHOWN ARE GOVERNED BY THE LOCAL JURISDICTION AND SHOULD BE CONFIRMED IN WRITING PRIOR TO LAND PLANNING OR ANY CONSTRUCTION ACTIVITIES.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 88°43'05" W	149.14'
L2	N 00°25'55" E	147.06'
L3	N 88°16'15" W	113.63'
L4	N 00°58'11" E	175.99'
L5	N 00°59'58" E	194.50'
L6	N 00°43'22" E	99.74'
L7	N 00°31'28" E	118.41'
L8	N 00°03'10" W	55.55'
L9	N 89°36'08" E	124.09'
L10	N 89°57'17" W	106.88'
L11	S 00°22'03" W	180.01'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	11,504.16'	345.08'	345.07'	S 89°34'39" W
C2	406.21'	201.37'	199.32'	S 05°22'57" W

PARCELS TO BE RECOMBINED

- 4644 North Henry Boulevard (Parcel #518-02003000)--
Contains 1.20 +/- acres.
- 4622 North Henry Boulevard (Parcel #518-02002005)--
Contains 1.09 +/- acres.
- 4900 North Henry Boulevard, first tract (Parcel #518-02002000)--
Contains 10.62 +/- acres.
- 4900 North Henry Boulevard, second tract (Parcel #518-02002006)--
Contains 2.21 +/- acres.
- Parcel #518-02004000 on Center Street with no address--
Contains 0.56 +/- acres.

ZONING INFORMATION

- Property is zoned MFR (Multiple-Family Residential), per ordinance #R2-2023-10 from February 12, 2024.
- The four small parcels also lie within the PMU (Parkway Mixed-Use) Overlay District.

CITY OF STOCKBRIDGE PLANNING & ZONING DIVISION REVIEWED FOR CODE COMPLIANCE

These drawings were reviewed under the applicable laws in effect at the time of submittal. Reasonable effort was exercised in checking for code compliance. The stamping of these documents shall not be construed to be a permit for, or an approval of, any violation of state and/or local codes, amendments, or ordinances thereto.

Reviewer: Linda Logan
03/28/25

CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT

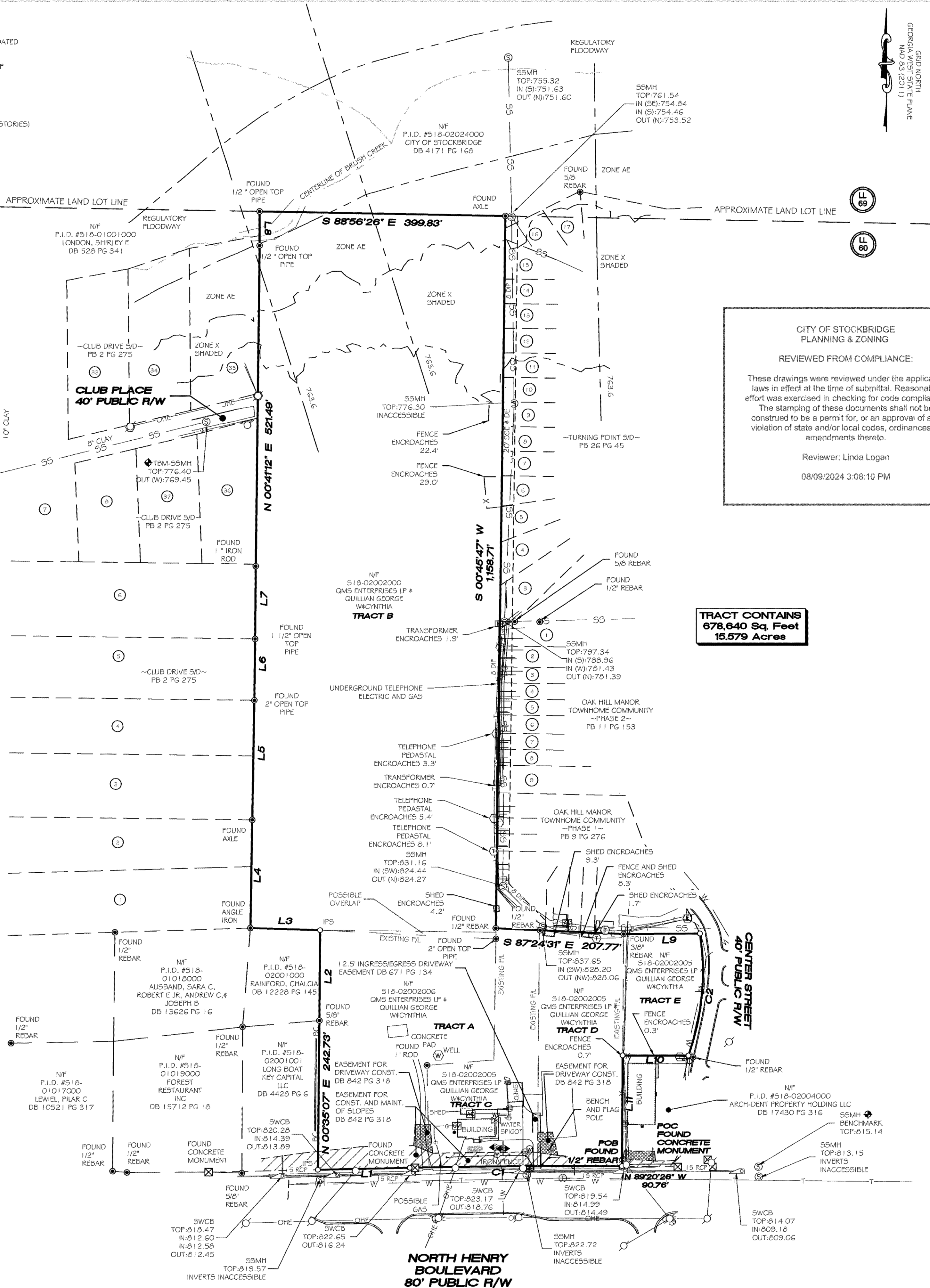
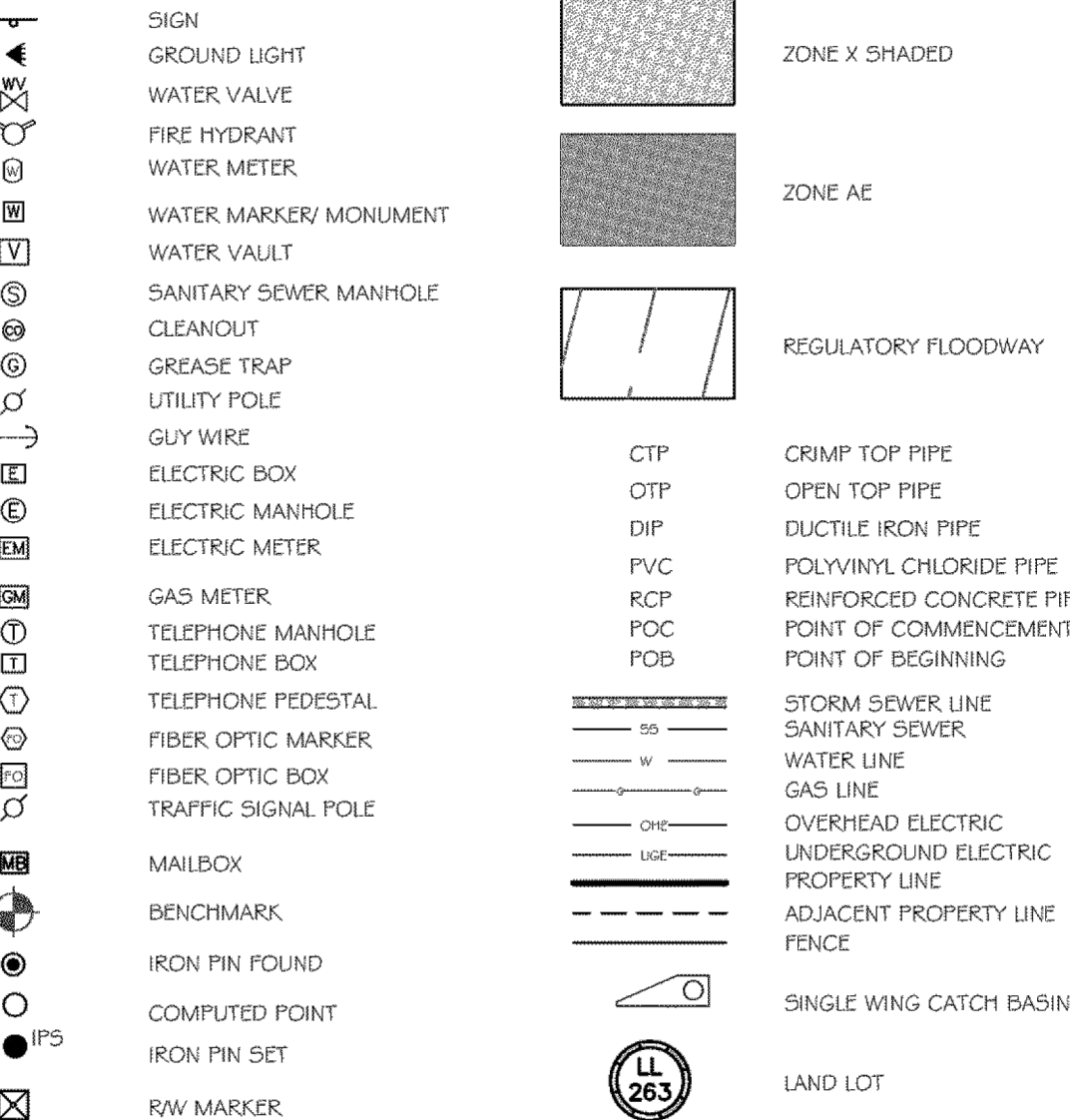
REVIEWED FOR COMPLIANCE:

Reviewer: Mark Whitley (Whitley Engineering)

Engineering Approval

08/09/2024 2:41:46 PM

LEGEND



CITY OF STOCKBRIDGE PLANNING & ZONING

REVIEWED FROM COMPLIANCE:

These drawings were reviewed under the applicable laws in effect at the time of submittal. Reasonable effort was exercised in checking for code compliance. The stamping of these documents shall not be construed to be a permit for, or an approval of any violation of state and/or local codes, ordinances or amendments thereto.

Reviewer: Linda Logan

08/09/2024 3:08:10 PM

TRACT CONTAINS
678,640 Sq. Feet
15.579 Acres

THE PURPOSE OF
THIS PLAT IS TO
COMBINE TRACT A-E



SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Michael C. Bell, GA P.L.S. #3465

06/06/2024

Date

Michael C. Bell, GA P.L.S. #3465

Date

LJA SURVEYING INC.
1525 SOUTH LEE STREET
BUFORD, GA 30516
Phone 713.955.5200
LSP No. 11350

LOCATED IN:
LAND LOT 60
12TH DISTRICT
HENRY COUNTY, GEORGIA

COMBINATION PLAT
NORTH HENRY TRACT
FOR
FORESTAR GROUP

ISSUE	DATE	DESCRIPTION
INITIAL	06/06/2024	PARCEL ZONING NOTES
REV. 1	07/23/2024	
REV. 2		
REV. 3		
REV. 4		
REV. 5		
REV. 6		
REV. 7		

DRAFTED BY: JTH

CHECKED BY: MCB

PROJECT #:

LJA54283-2301

811

Know what's below.
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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL OBTAIN THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO CORRECTLY LOCATE AND PREPARE ANY AND ALL UNDERGROUND UTILITIES.

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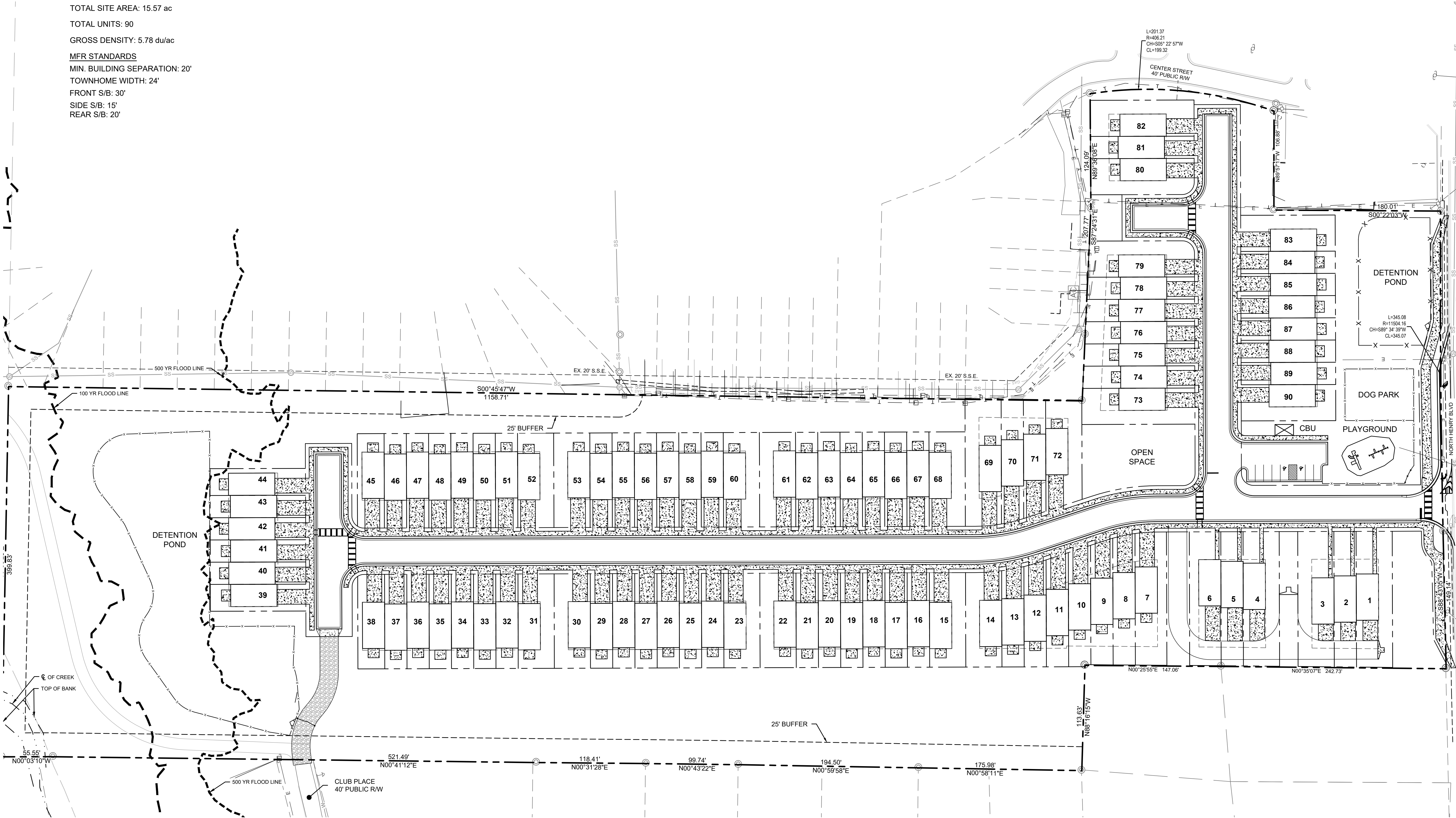
SHEET NO:

1 OF 1



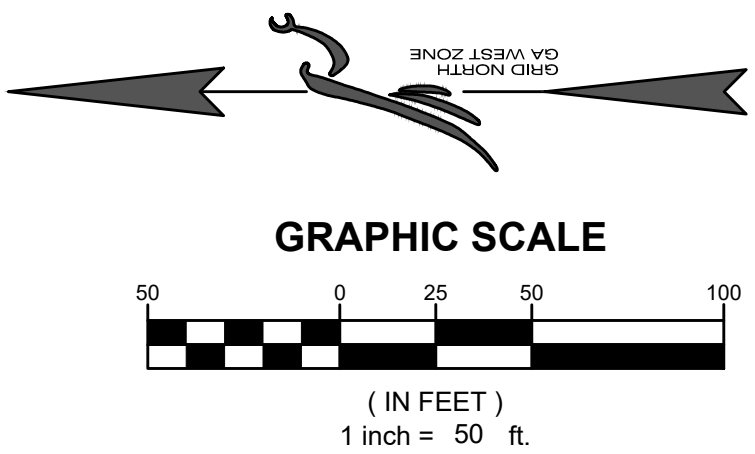
LAND USE SUMMARY

CURRENT ZONING: MFR
TOTAL SITE AREA: 15.57 ac
TOTAL UNITS: 90
GROSS DENSITY: 5.78 du/ac
MFR STANDARDS
MIN. BUILDING SEPARATION: 20'
TOWNHOME WIDTH: 24'
FRONT S/B: 30'
SIDE S/B: 15'
REAR S/B: 20'



GENERAL NOTES:

- LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- 25' BUFFER SHOWN ON PLAN DRAWN IN ACCORDANCE WITH STOCKBRIDGE UNIFIED DEVELOPMENT CODE SECTION 4.6.
- PROPERTY BOUNDARIES OBTAINED FROM ALTA SURVEY PERFORMED BY LJA SURVEYING, INC. DATED JANUARY 09, 2026.
- EACH INDIVIDUAL TOWNHOME UNIT WITHIN THIS DEVELOPMENT SHALL BE SERVICED BY INDIVIDUAL, CURBSIDE SOLID WASTE COLLECTION. NO CENTRALIZED OR COLLECTIVE DUMPSTER LOCATIONS SHALL BE UTILIZED WITHIN THE DEVELOPMENT.



CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LAND SURVEYING
LANDSCAPE ARCHITECT
LAND PLANNING

FALCON DESIGN CONSULTANTS

STOCKBRIDGE OFFICE
235 CORY CTR. DR., STE. 200
STOCKBRIDGE, GEORGIA 30281
PH: (770) 385-8666 Fax: (770) 385-8656

NEWNAN OFFICE
40 GREENWAY CT., STE. A
NEWNAN, GEORGIA 30555
PH: (770) 755-7978

CUMMING OFFICE
500 PIRKLE FERRY RD., STE. C
CUMMING, GEORGIA 30040
PH: (678) 807-7100

www.fdc-llc.com

ZONING MODIFICATION CONCEPT PLAN
FOR
BRIDGEVIEW TOWNHOMES
LOCATED IN:
LAND LOT 60, 12TH DISTRICT
CITY OF STOCKBRIDGE, GEORGIA

REVISIONS

DATE	REVISIONS
1. 7/2/26	REVISED PER CITY COMMENTS
2. 8/10/26	REVISED PER CITY COMMENTS
3.	
4.	
5.	
6.	
7.	
8.	

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1 (800) 822-7471 (T) 770.949.0471
OR 848.4511

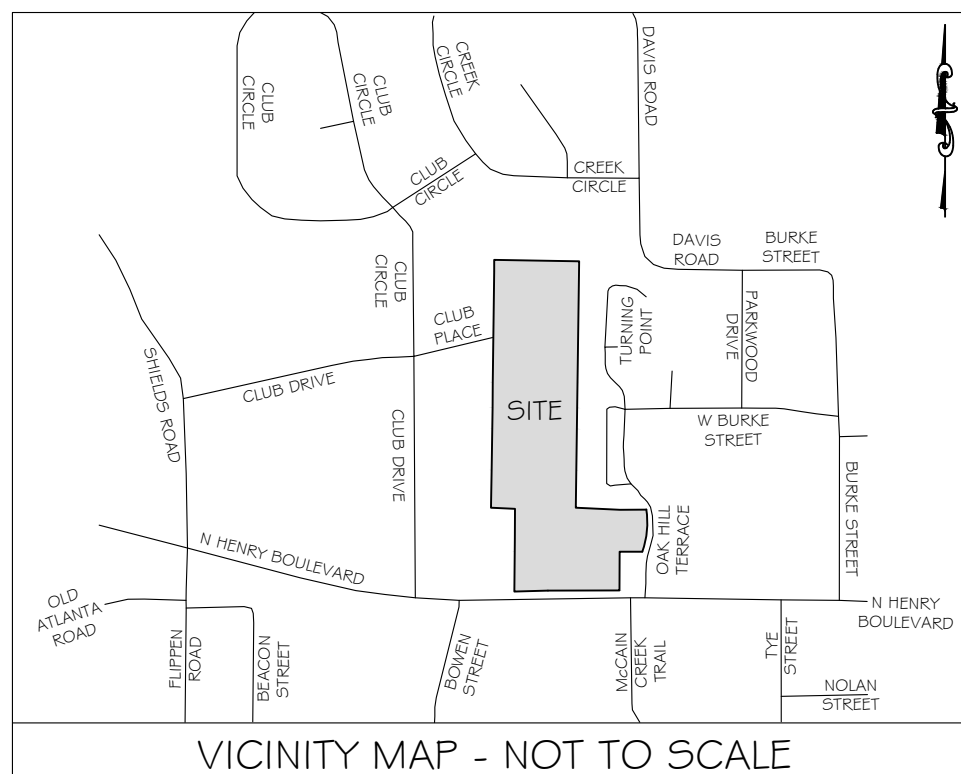
GEORGIA
REGISTERED
UTILITY PROTECTION CENTER

DATE: 7/10/26
SCALE: 1" = 50'
PROJ NUMBER: 594.001
DRAWN BY: EDA
REVIEWED BY: AP
REVISED BY: -

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER
1.0

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	11,504.16'	345.08'	345.07'	S 89°34'39" W	143°07"
C2	406.21'	201.37'	199.32'	S 05°22'57" W	28°24'14"



SURVEY NOTES

1. All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Henry County, Georgia, (Community-panel number 13151C0086D dated October 6, 2016), a portion of the property lies within the following zones: Zone X, Zone X Shaded, Zone AE, and Regulatory Floodway with BFE.
4. The locations of underground utilities shown hereon are based on visible structures and maps and/or field located marks provided by LIA Surveying, and are approximate only. The property shown hereon may be served by underground utilities that are not shown hereon. LIA makes no warranties or claims that all utilities are marked or accurate. All Utility Companies should be contacted before beginning any design or construction. LIA Surveying report can be provided upon request.
5. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 11-26-2023 using the Leica SmartNet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
6. The field data upon which this plat is based was gathered using base and rover using multiple stations and duplicate observations on corners. The processed data has a horizontal position of less than .035". The scale factor used to adjust the points to ground distances is .00013253842905.
7. This plat has been calculated for closure and is found to be accurate within one foot in 463,136 feet.
8. Equipment used for measurement: GPS: Leica GS18 GPS Base and Rover Receivers
9. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
10. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
11. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
12. There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field Survey.
13. LIA Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
14. At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
15. Current property owner/site address:
OWNER: QMS ENTERPRISES LP ETAL
PID: SJ 18-0200005
ADDRESS: 4682 NORTH HENRY BOULEVARD

LEGEND

	SIGN		ZONE X SHADED
	WATER VALVE		ZONE AE
	FIRE HYDRANT		REGULATORY FLOODWAY
	WATER METER		
	SEWER MANHOLE		
	UTILITY POLE		
	GUY WIRE		
	ELECTRIC BOX	CTP	CRIMP TOP PIPE
	ELECTRIC METER	OTP	OPEN TOP PIPE
	GAS METER	DIP	DUCTILE IRON PIPE
	TELEPHONE MANHOLE	PVC	POLYVINYL CHLORIDE PIPE
	TELEPHONE BOX	RCP	REINFORCED CONCRETE PIPE
	TELEPHONE PEDISTAL	POC	POINT OF COMMENCEMENT
	FIBER OPTIC MARKER	POB	POINT OF BEGINNING
	IRON PIN ROUND		STORM SEWER LINE
	COMPUTED POINT		SAINTAIR SEWER
	SET 5/8" CAPPED REBAR (LSP #1 390)		WATER LINE
	R/W MARKER		GAS LINE
			OVERHEAD ELECTRIC
			UNDERGROUND ELECTRIC
			PROPERTY LINE
			ADJACENT PROPERTY LINE
			FENCE
			SINGLE WING CATCH BASIN

SURVEYOR CERTIFICATION

THIS PLAN IS A RETIREMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS OF LAND IS HEREBY CERTIFIED TO BE TRUE AND CORRECT BY THE APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYING PRACTICE AS SET FORTH IN O.C.G.A. SECTION 15-6-67. THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.


M. Chayce Bell, GA P.L.S. #3465

SURVEYOR CERTIFICATION

TO: APEX STOCKBRIDGE, LLC; CALLOWAY TITLE AND ESCROW, LLC; FARMERS AND
MERCHANTS BANK & STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSP LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSP, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF OCTOBER OF 2025.

MCB 01/09/2020

M. Chayce Bell, GA P.L.S. #3465 Date

LJA | **SURVEYING INC.**

4525 SOUTH LEE STREET
 BUFORD, GA 30518

Phone 713.953.5200
 LSF No. 1390

LOCATED IN:
LAND LOT 60, 12TH DISTRICT
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

PS LAND AND TITLE SURVEY
NORTH HENRY TRACT
FOR
EDGE, LLC; CALLOWAY TITLE AND ESCROW, LLC;
MERCHANTS BANK & STEWART TITLE GUARANTEE
COMPANY

ISSUE:	DATE:	DESCRIPTION:
INITIAL:	0/09/2026	
REV. 1:	0/1/2026	SCHEDULE B-I ANSWERS & RIGHT-OF-WAY WIDTH
REV. 2:	0/1/4/2026	ATTORNEY COMMENTS
REV. 3:	0/24/2026	ATTORNEY COMMENTS
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

DRAFTED BY: JWW
CHECKED BY: MCE

PROJECT #:
LWA54352-2601



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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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SHEET NO:
1 OF 2

File Location: \\sectors\survey\project\jls4356 (north henry boulevard)\06 survey cad\north henry.dwg - with proposed rev 2025

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

Title - Legal Description

A parcel of land lying in Land Lot 60 of the 12th Land District, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (80' public right of way), thence run North 88 degrees 04 minutes 52 seconds West along said right of way for a distance of 90.76 feet to set 5/8" capped rebar (L.S.F. #1390), said point being the POINT OF BEGINNING, of the parcel herein described.

Thence leaving said POINT OF BEGINNING along a curve to the left, said curve having a radius of 11,504.16 feet, a central angle of 01 degrees 43 minutes 07 seconds, chord bearing of South 89 degrees 34 minutes 39 seconds West, and a chord length of 345.07 feet, thence run along the arc of said curve and said right of way of North Henry Boulevard (80' public right of way) for a distance of 345.08 feet to a point; thence run South 88 degrees 43 minutes 05 seconds West along said right-of-way for a distance of 149.14 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence leaving said right-of-way run North 00 degrees 07 seconds East for a distance of 242.73 feet to found 5/8" rebar; thence run North 00 degrees 35 minutes 55 seconds East for a distance of 147.06 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence run North 88 degrees 16 minutes 15 seconds West for a distance of 113.63 feet to a found angle iron; thence run North 00 degrees 58 minutes 11 seconds East for a distance of 175.98 feet to a found axle; thence run North 00 degrees 59 minutes 58 seconds East for a distance of 194.50 feet to a found 2" open top pipe; Thence run North 00 degrees 43 minutes 22 seconds East for a distance of 99.74 feet to a found 1 1/2" open top pipe; Thence run North 00 degrees 31 minutes 28 seconds East for a distance of 118.41 feet to found 1" rod; thence run North 00 degrees 41 minutes 12 seconds East for a distance of 521.49 feet to a found 1/2" open top pipe; thence run North 00 degrees 03 minutes 10 seconds West for a distance of 55.55 feet to a found 1/2" open top pipe; thence run South 88 degrees 56 minutes 26 seconds East for a distance of 399.83 feet to a found axle; thence run South 00 degrees 45 minutes 47 seconds West for a distance of 1,158.71 feet to a found 1/2" rebar; thence run South 87 degrees 24 minutes 31 seconds East for a distance of 207.77 feet to a found 3/8" rebar; thence run North 89 degrees 36 minutes 08 seconds East for a distance of 124.29 feet to a set 5/8" capped rebar (L.S.F. #1390) lying on the westerly right of way of Center Street (40' public right of way); said point lying on a curve to the right, said curve having a radius of 406.21 feet, a central angle of 28 degrees 24 minutes 14 seconds, chord bearing of South 05 degrees 22 minutes 57 seconds West, and a chord length of 199.32 feet, thence run along the arc of said curve and said right of way for a distance of 201.37 feet to a set 5/8" capped rebar (L.S.F. #1390); thence leaving said right of way run North 89 degrees 57 minutes 17 seconds West for a distance of 106.88 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run South 00 degrees 22 minutes 03 seconds West for a distance of 180.01 feet to the POINT OF BEGINNING.

Said parcel contains 678,640 square feet, or 15.579 acres.

As Surveyed - Legal Description (Overall)

A parcel of land lying in Land Lot 60 of the 12th Land District, City of Stockbridge, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (variable public right of way), thence run North 89 degrees 20 minutes 26 seconds West along said right of way for a distance of 90.76 feet to set 5/8" capped rebar (L.S.F. #1390) and the TRUE POINT OF BEGINNING.

Thence leaving said TRUE POINT OF BEGINNING and run thence westerly along a curve having a radius of 11,504.16 feet, a central angle of 01 degrees 43 minutes 07 seconds, chord bearing of South 89 degrees 34 minutes 39 seconds West a chord length of 345.07 feet, and along the arc of said curve and said right of way of North Henry Boulevard (variable public right of way) for an arc distance of 345.08 feet to a point; thence run South 88 degrees 43 minutes 05 seconds West along said right-of-way for a distance of 149.14 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence leaving said right-of-way run North 00 degrees 35 minutes 07 seconds East for a distance of 242.73 feet to found 5/8" rebar; thence run North 00 degrees 25 minutes 55 seconds East for a distance of 147.06 feet to a set 5/8" capped rebar (L.S.F. #1390); Thence run North 88 degrees 16 minutes 15 seconds West for a distance of 113.63 feet to a found angle iron; thence run North 00 degrees 58 minutes 11 seconds East for a distance of 175.98 feet to a found axle; thence run North 00 degrees 59 minutes 58 seconds East for a distance of 194.50 feet to a found 2" open top pipe; Thence run North 00 degrees 43 minutes 22 seconds East for a distance of 99.74 feet to a found 1 1/2" open top pipe; Thence run North 00 degrees 31 minutes 28 seconds East for a distance of 118.41 feet to found 1" rod; thence run North 00 degrees 41 minutes 12 seconds East for a distance of 521.49 feet to a found 1/2" open top pipe; thence run North 00 degrees 03 minutes 10 seconds West for a distance of 55.55 feet to a found 1/2" open top pipe; thence run South 88 degrees 56 minutes 26 seconds East for a distance of 399.83 feet to a found axle; thence run South 00 degrees 45 minutes 47 seconds East for a distance of 1,158.71 feet to a found 1/2" rebar; thence run South 87 degrees 24 minutes 31 seconds East for a distance of 207.77 feet to a found 3/8" rebar; thence run North 89 degrees 36 minutes 08 seconds East for a distance of 124.29 feet to a found 5/8" capped rebar lying on the westerly right of way of Center Street (40' public right of way); run thence south westerly along a curve having a radius of 406.21 feet, a central angle of 28 degrees 24 minutes 14 seconds, chord bearing of South 05 degrees 22 minutes 57 seconds West, a chord length of 199.32 feet, along the arc of said curve and said right of way for an arc distance of 201.37 feet to a set 5/8" capped rebar (L.S.F. #1390); thence leaving said right of way run North 89 degrees 57 minutes 17 seconds West for a distance of 106.88 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run South 00 degrees 22 minutes 03 seconds West for a distance of 180.01 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 678,640 square feet, or 15.579 acres.

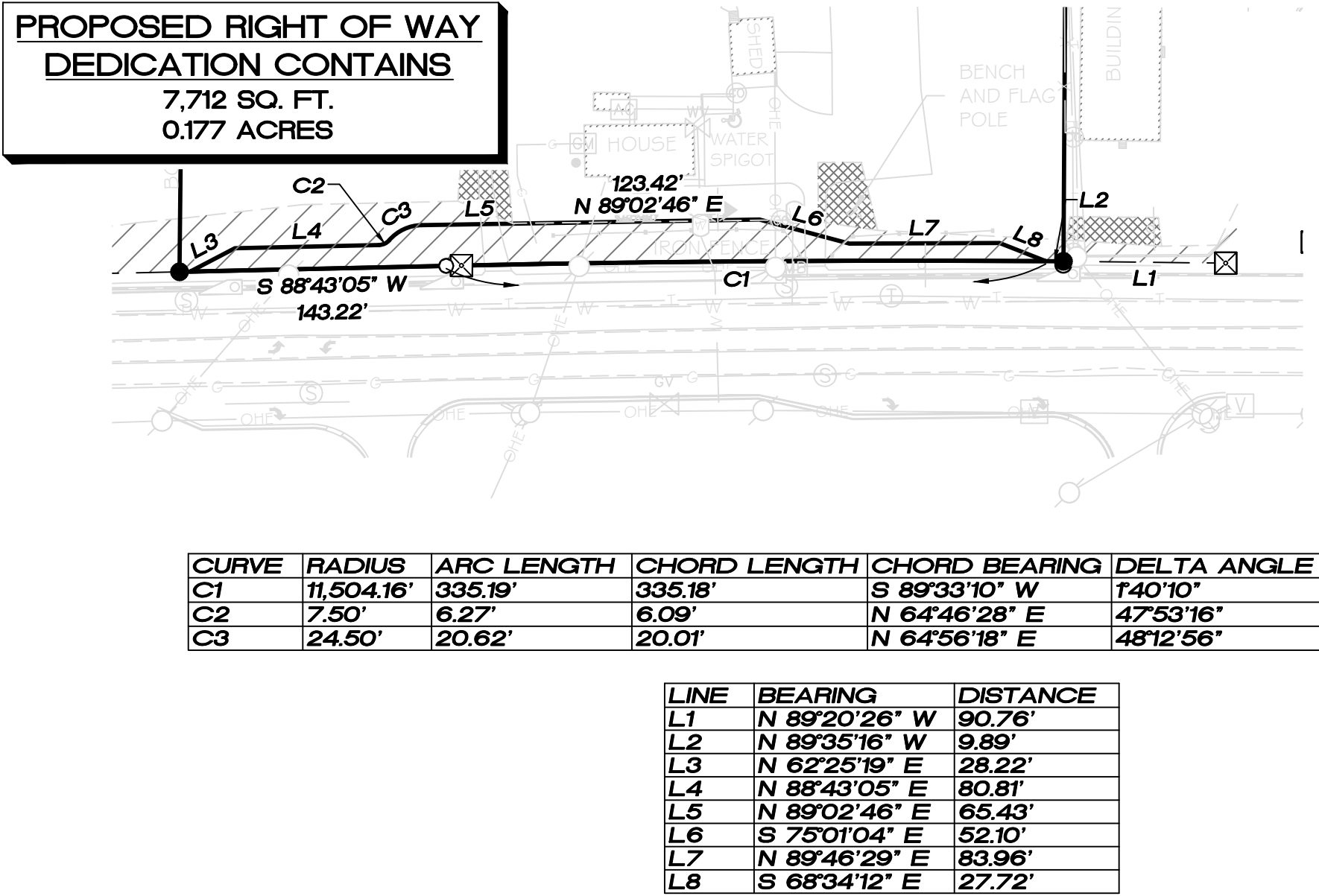
Proposed Right Of Way Dedication

A parcel of land lying in Land Lot 60 of the 12th Land District, City of Stockbridge, Henry County, Georgia and being more particularly described as follows:

Commence at a found concrete monument at the intersection of the westerly right of way of Center Street (40' public right of way) and the northerly right of way of North Henry Boulevard (80' public right of way), thence run North 89 Degrees 20 Minutes 26 Seconds West along said northerly right of way of North Henry Boulevard for a distance of 90.76 feet to a set 5/8" capped rebar (L.S.F. #1390); thence run North 89 Degrees 35 Minutes 16 Seconds West along said right-of-way for a distance of 9.89 feet to a point being the TRUE POINT OF BEGINNING;

Thence leaving said TRUE POINT OF BEGINNING, run southwestwely along the arc of a curve having a radius of 11,504.16 feet, a central angle of 01 Degrees 40 Minutes 10 Seconds, a chord bearing of South 89 Degrees 33 Minutes 10 Seconds West a chord distance of 335.18 feet, and along the arc of said curve and said right-of-way for a distance of 335.19 feet to a point; Thence run South 88 Degrees 43 Minutes 05 Seconds West for a distance of 143.22 feet to a point; Thence leaving said right-of-way: 25 Minutes 19 Seconds East for a distance of 28.22 feet to a point; Thence run North 88 Degrees 43 Minutes 05 Seconds East for a distance of 80.81 feet to a point; run thence northeasterly on a curve having a radius of 7.50 feet, a central angle of 47 Degrees 53 Minutes 16 Seconds, a chord bearing of North 64 Degrees 46 Minutes 28 Seconds East a chord distance of 6.09 feet, and along the arc of said curve for a distance of 6.27 feet to a point; run thence northeasterly along the arc of a curve having a radius of 24.50 feet, a central angle of 48 Degrees 12 Minutes 56 Seconds, a chord bearing of North 64 Degrees 56 Minutes 18 Seconds East a chord distance of 20.01 feet, and along the arc of said curve an arc distance of 20.62 feet to a point; Thence run North 89 Degrees 02 Minutes 46 Seconds East for a distance of 65.43 feet to a point; Thence run North 89 Degrees 02 Minutes 46 Seconds East for a distance of 123.42 feet to a point; Thence run South 75 Degrees 01 Minutes 04 Seconds East for a distance of 52.10 feet to a point; Thence run North 89 Degrees 46 Minutes 29 Seconds East for a distance of 83.96 feet to a point; Thence run South 68 Degrees 34 Minutes 12 Seconds East for a distance of 27.72 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 7,712 square feet, or 0.177 acres.



4525 SOUTH LEE STREET
BUTLER, GA 30516
Phone: 770.953.5200
Fax: 770.953.5200

LOCATED IN:
LAND LOT 60, 12TH DISTRICT
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

ALTANSPS LAND TITLE SURVEY
NORTH HENRY TRACT
FOR
SHEPCO PAVING, INC.; CALLOWAY TITLE & ESCROW,
LLC; & STEWART TITLE GUARANTY COMPANY

ISSUE	DATE	DESCRIPTION
INITIAL:	D/06/2024	BOOKED B-11 ANSWERS & RIGHT-OF-WAY WIDTH
REV. 1:	D/11/2024	BOOKED B-11 ANSWERS & RIGHT-OF-WAY WIDTH
REV. 2:	D/11/2024	ATTORNEY COMMENTS
REV. 3:	D/11/2024	ATTORNEY COMMENTS
REV. 4:	D/11/2024	ATTORNEY COMMENTS
REV. 5:	D/11/2024	ATTORNEY COMMENTS
REV. 6:	D/11/2024	ATTORNEY COMMENTS
REV. 7:	D/11/2024	ATTORNEY COMMENTS

DRAFTED BY: JWW

CHECKED BY: MCB

PROJECT #:
LIA54352-2601



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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO DULY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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SHEET NO:

2 OF 2



CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

January 26, 2026

Mr. Aaron Rissler
Apex Land Company
4080 McGinnis Ferry Rd, Ste 203
Alpharetta, GA 30005
(O) 770-777-4704
(M) 404-732-4136

RE: Bridgeview
Parcel #: S18-02004009, S18-02003000, S18-02002005,
S18-02002006, S18-02002000
Development Type: 90-unit multifamily residential

Mr. Rissler:

The City has reviewed the updated water and sewer flow calculations you submitted on 1/12/26 for the referenced development. The City has determined that the existing wastewater collection system has sufficient capacity to support the requested sanitary sewer flows. However, the water capacity will be contingent upon the results of the future flow test to be performed by the owner/developer.

Sincerely,



Kevin Miller
Sewer Superintendent

Attachments: Revised Request for Capacity Letter 1/12/26

Cc: Decius T. Aaron, Public Works Director
Scott Mask, Water Superintendent
Chad Peden, PE, Carter & Sloope, Inc



TO: Stockbridge Mayor and City Council
Stockbridge Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Ryan Anderson, Community Development Director
Veronica Green, Chief Planner

DATE: August 20, 2026 and September 17, 2026

SUBJECT: Staff Report for Zoning Modification Case #ZM-2026-03 for 4882 North Henry Boulevard (Council District 4).

PURPOSE

The applicant for ZM-2026-03, Aaron Rissler of Apex Stockbridge, LLC (represented by Sara Shirk of Falcon Design), proposes building a revised townhome development with 90 units at 4882 North Henry Boulevard. The applicant is requesting the approval of a major zoning modification from Ordinance #RZ-2023-10, which was approved on February 12, 2024, to allow for the approval of a revised site plan, and to request the removal of five (5) of the twelve (12) zoning conditions that were required as part of the approval of RZ-2023-10.

The purpose of Rezoning Case #RZ-2023-10 was to rezone the property to MFR (Multiple Family Residential). Two other associated cases were also approved on the same date. They were Comprehensive Plan Amendment Case #CP-2023-09 (which changed the property's future land use designation to Medium-Density Residential) and Variance Case #VR-2023-06 (which granted a variance to reduce the front yard setbacks of the proposed townhome lots on the north side of North Henry Boulevard and the west side of Center Street from the required 50 feet in the MFR District to 30 feet). The previous applicant for CP-2023-09, RZ-2023-10, and VR-2023-06 was Forester (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell, & Russell, LLP. The approved 90-unit townhome development was not built, and the property was later sold to a new owner, Apex Stockbridge, LLC.

Before the property was sold, the previous applicant filed a recombination application for the five (5) parcels which originally comprised the 15.601 +/- acres of the subject property at the time when RZ-2023-10 was approved. The parcels are listed below, and they are shown on the Vicinity Map and Aerial Photograph Showing Five Parcels. The recombination plat was approved by the Community Development Staff, and it was recorded in the Henry County Superior Court on August 13, 2024, as is shown below.

1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contained 1.20 +/- acres.
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contained 1.09 +/- acres.
3. 4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contained 10.62 +/- acres.
4. 4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contained 2.21 +/- acres.
5. Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contained 0.56 +/- acres.

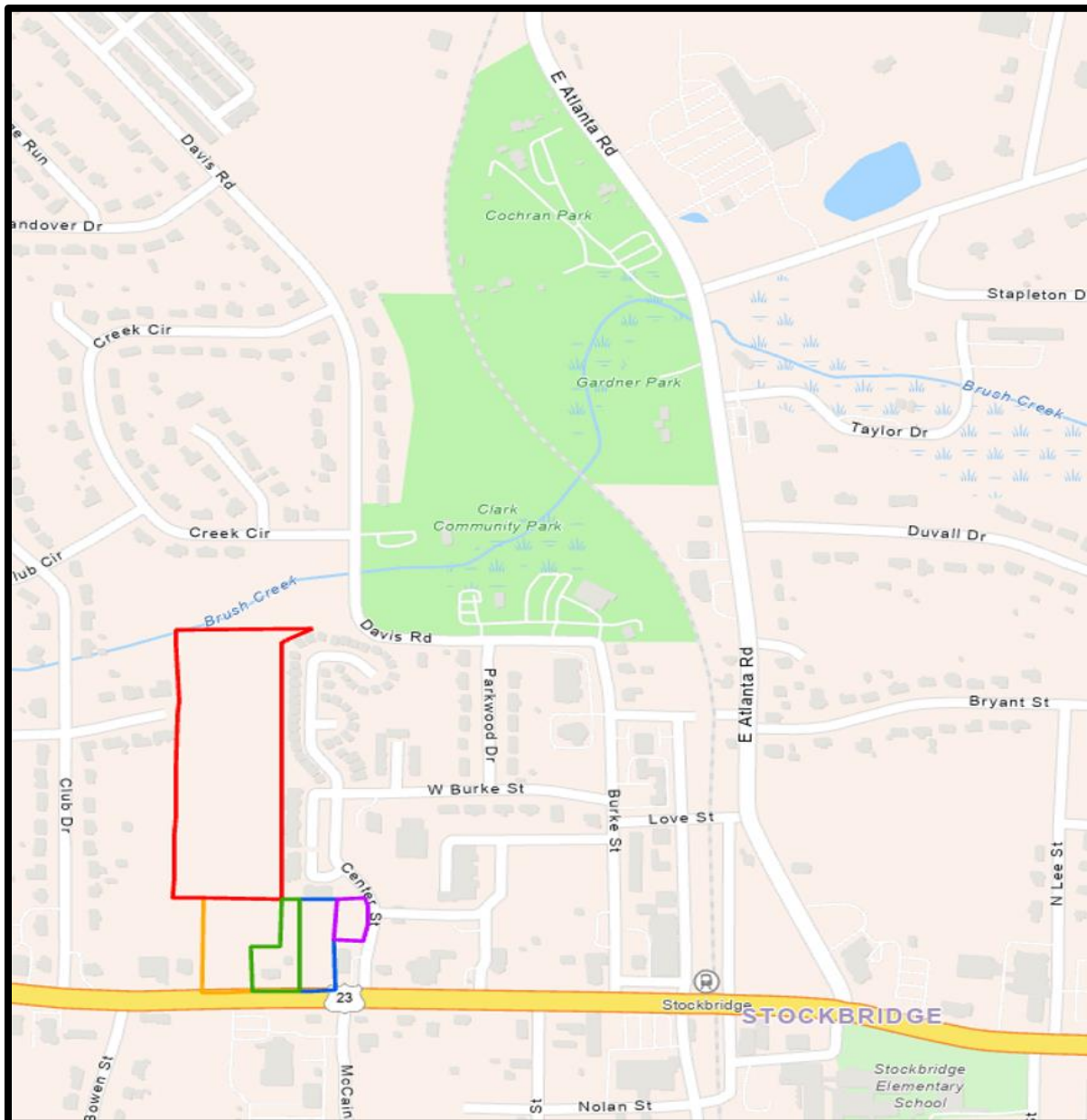
Now, Apex Stockbridge, LLC proposes building a townhome development with 90 units according to a revised site plan which would include the removal of five (5) zoning conditions that were required as part of the approval of RZ-2023-10. They are listed below, with the same numbering as is on the approved ordinance for RZ-2023-10. The zoning and future land use designation of the property would not change. The property contains 15.601 +/- acres within the Stockbridge City Limits.

1. Site Plan—The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled, "North Henry Townhomes: Forestar Zoning Plan", which was prepared by Atwell Group on 12/01/23 and received by the Planning and Zoning Staff on 12/04/23. [Note: The site plan showed the provision of a swimming pool and a clubhouse.]
4. Waste Collection—A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.
5. Architectural Design:
 - a. All townhome units shall have brick on at least three sides. [The applicant requests a replacement condition stating that the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting.]
 - b. [No change.]

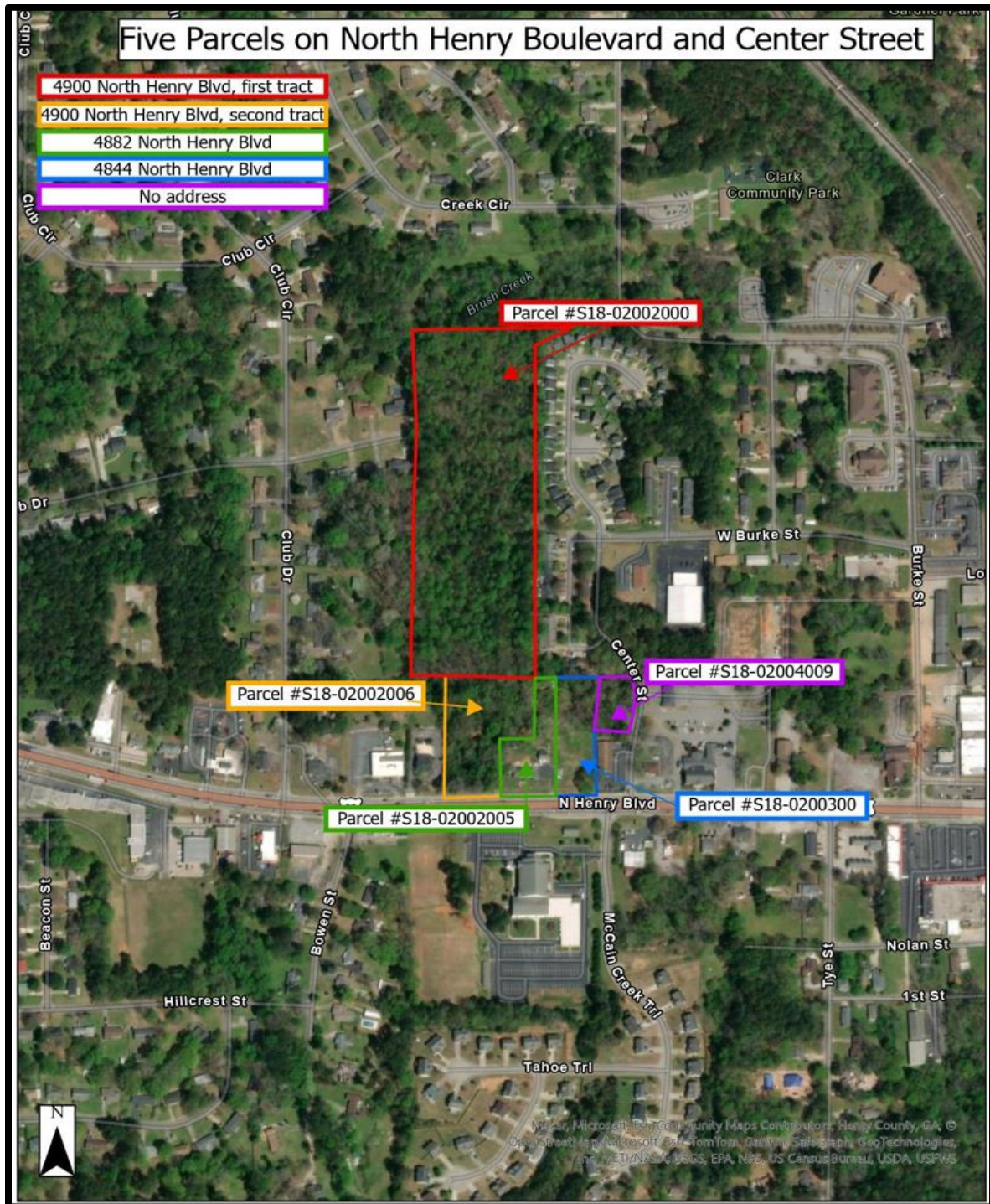
c. This shall be a gated community.

6. Rental Units—No more than 10 percent of the townhome units may be rented at any one time.

VICINITY MAP—Showing the Original Five Parcels

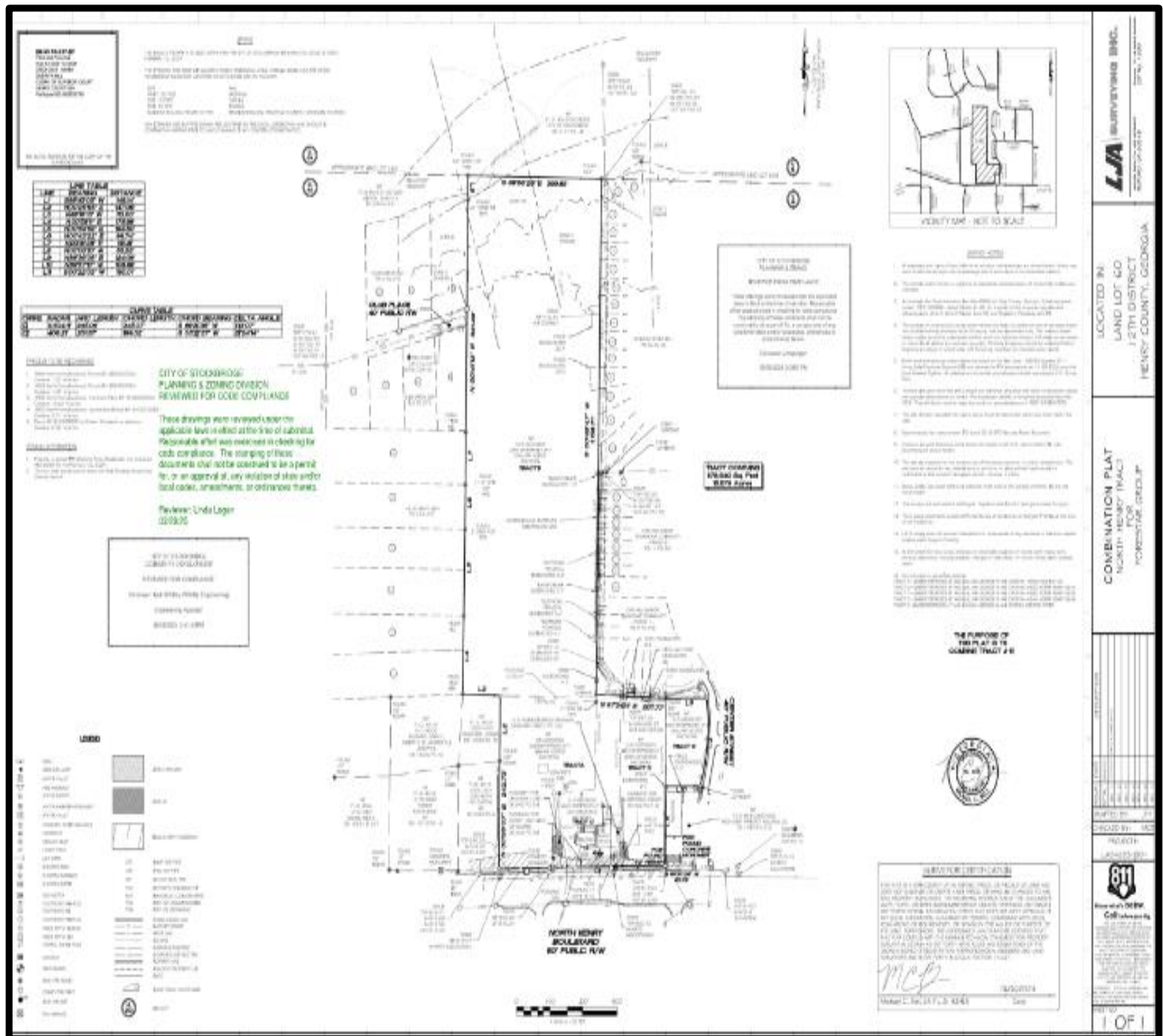


AERIAL PHOTOGRAPH SHOWING FIVE ORIGINAL PARCELS



**RECORDED PLAT FOR THE FIVE ORIGINAL PARCELS COMPRISING 4882
NORTH HENRY BOULEVARD**

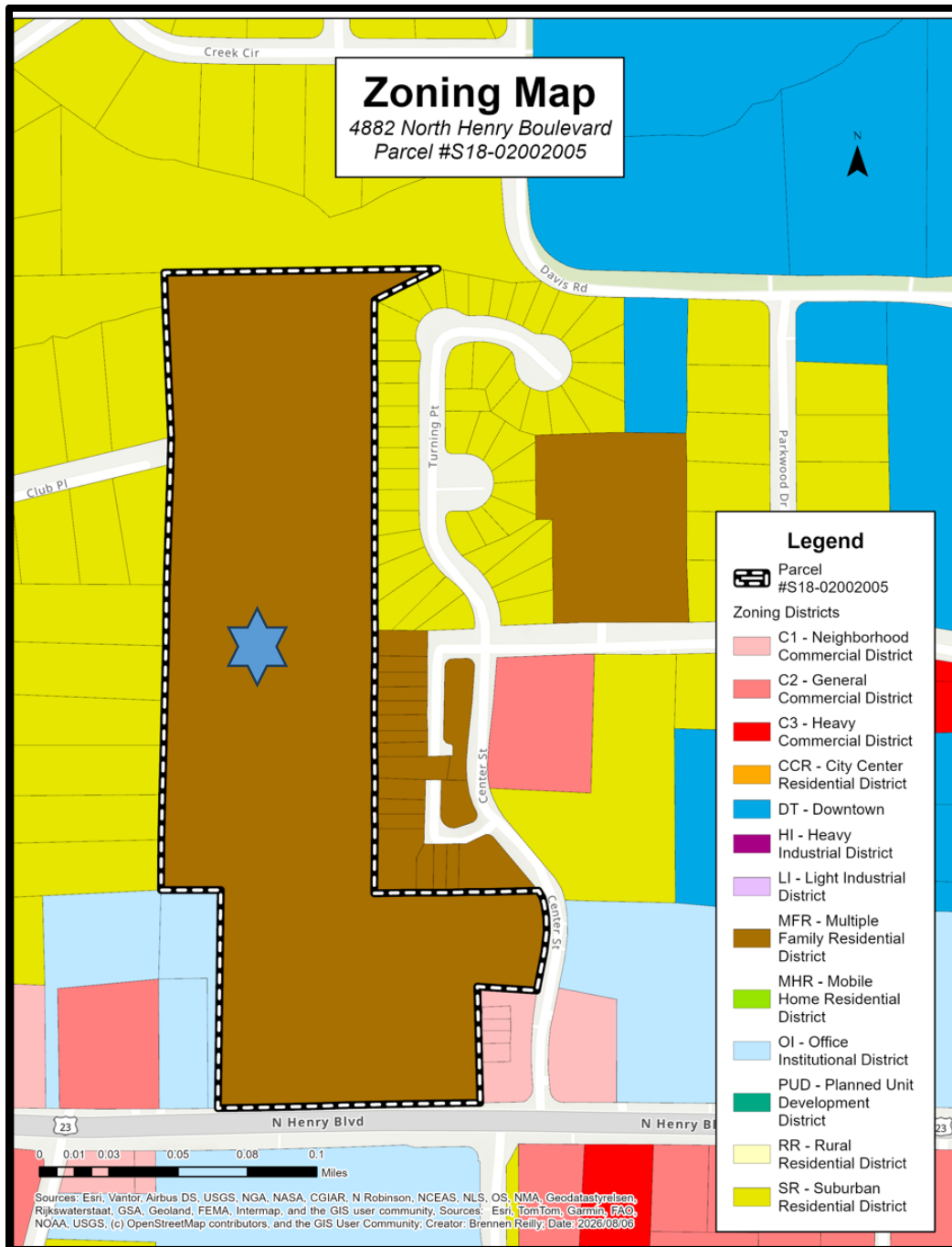
Recorded on August 13, 2026 in Henry County Superior Court



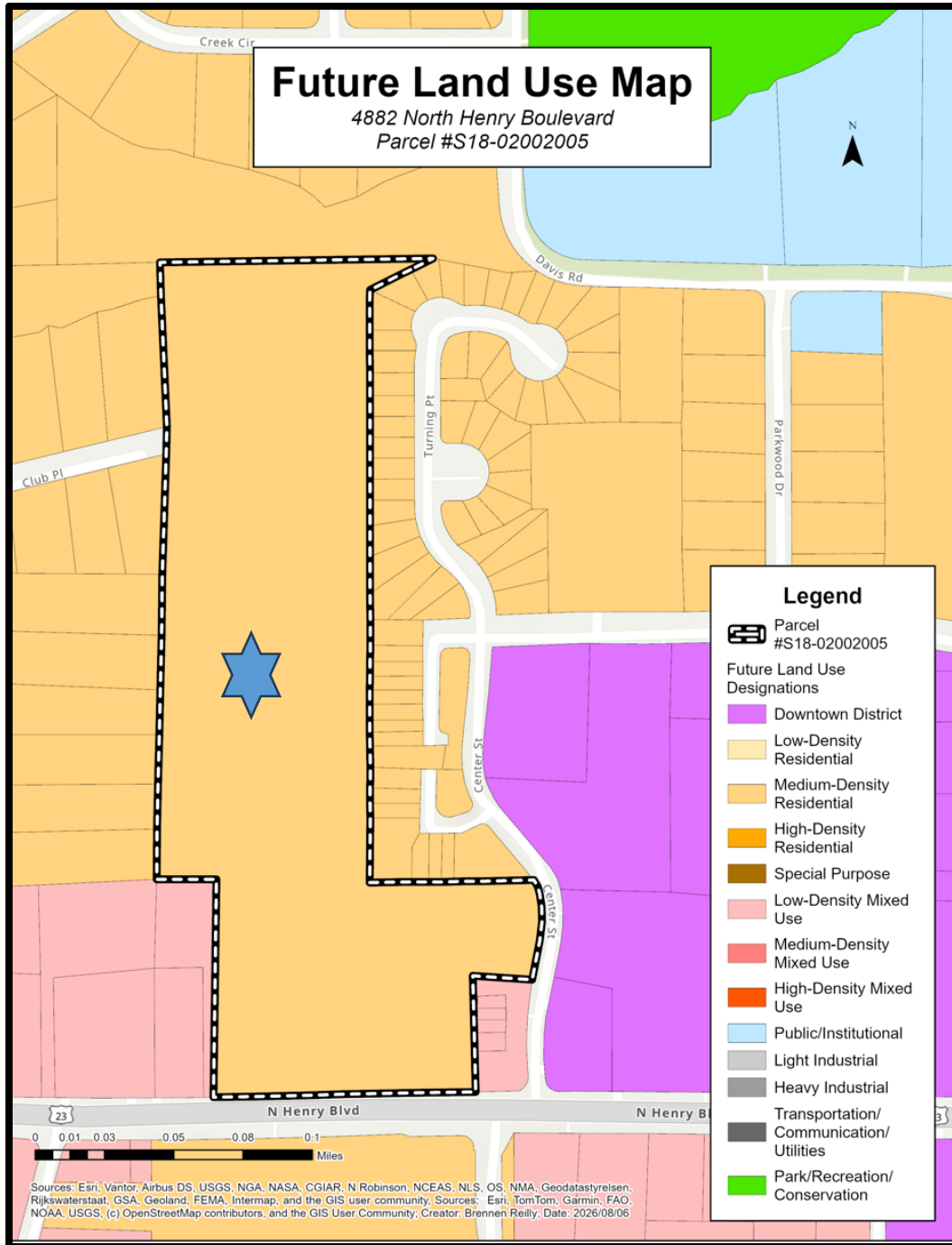
CASE FACTS

<u>CHARACTERISTIC</u>	<u>FINDINGS</u>
Proposed Development:	Townhome development with 90 units.
Applicant:	Aaron Rissler of Apex Stockbridge, LLC (represented by Sara Shirk of Falcon Design).
Site Address:	4882 North Henry Boulevard.
Parcel ID and Acreage:	Parcel #S18-02002005. Has 15.601 +/- acres.
Owner:	Apex Stockbridge, LLC.
Property Location:	North side of North Henry Boulevard and west side of Center Street.
Current Use:	A former funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land to the north.
Surrounding Uses:	~ <u>North</u> —Vacant land. ~ <u>West</u> —Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u> —Holly Salon and Ameris Bank. ~ <u>South</u> —North Henry Boulevard. ~ <u>Northeast</u> —Oak Hill Manor and Turning Point subdivisions.
Existing Zoning:	MFR (Multiple Family Residential) and PMU (Parkway Mixed-Use Overlay District).
Surrounding Zoning:	OI to the west, SR to the north, and MFR to the east and northeast.
Existing and Proposed Future Land Use Designation:	MDR (Medium-Density Residential).
Surrounding Future Land Use Designations:	Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District / Downtown Village Overlay District to the east.
Property Conditions:	Site is mostly wooded, except for the structures along North Henry Boulevard. The rear of the property is bordered by Brush Creek and its floodplain.

ZONING MAP FOR 4882 NORTH HENRY BOULEVARD



FUTURE LAND USE MAP FOR 4882 NORTH HENRY BOULEVARD



PREVIOUSLY-APPROVED DEVELOPMENT

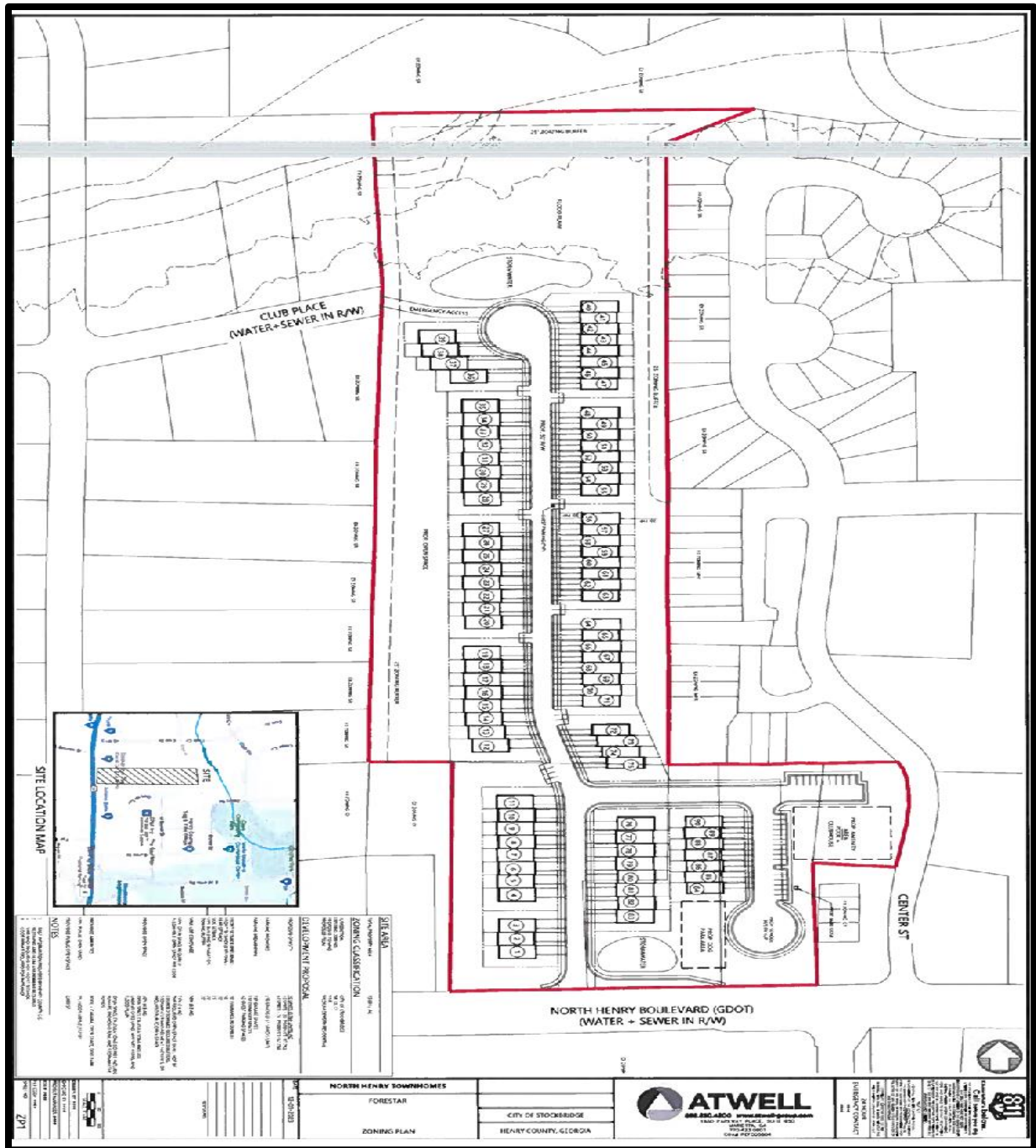
The townhome development that was approved for Forestar via RZ-2023-10 was based on a site plan which was entitled, "North Henry Townhomes: Forestar Zoning Plan, prepared by Atwell Group on 12/01/23, and received by the Planning and Zoning Staff on 12/04/23. It is shown below. A total of ninety (90) townhomes were to be built at a density of 5.769 units per acre. There were to be thirteen (13) townhome buildings, and all units were to have three bedrooms. Forestar was granted a variance via #VR-2023-06 to reduce the front yard setbacks of the townhome lots on the north side of North Henry Boulevard and the west side of Center Street from the required 50 feet in the MFR District to 30 feet.

The rezoning site plan showed the project entrance to be from North Henry Boulevard, with internal streets leading to two cul-de-sacs. An emergency access would also be provided at the rear of the property to connect with Club Place to the west. The amenities were to be located near the front of the property, and they were to include a pool, a clubhouse, a dog park, and a mail kiosk. A total of 316 parking spaces were to be provided. The site was to have thirty (30) percent open space, and a twenty-five (25)-foot zoning buffer was to surround the property.

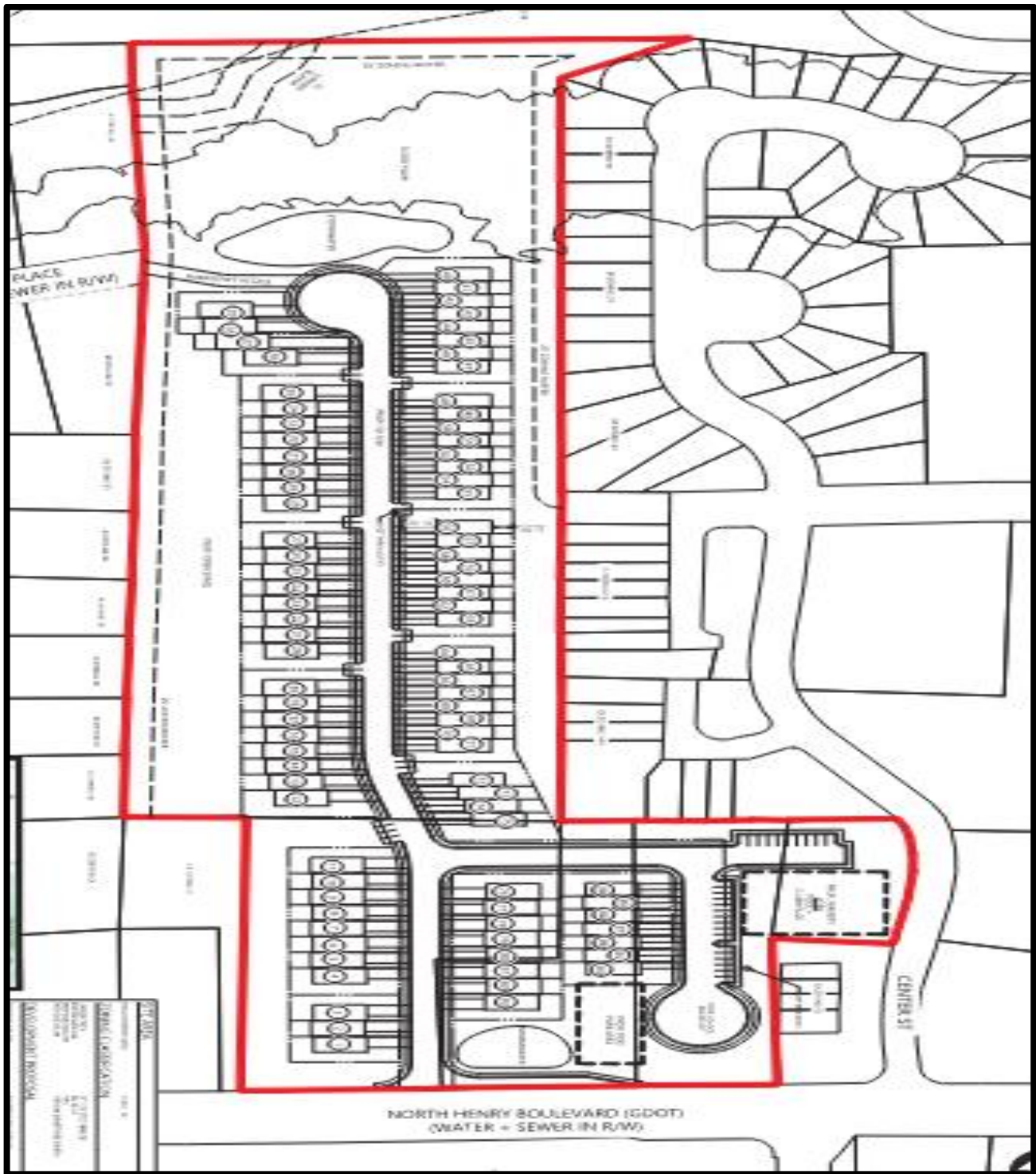
A traffic impact study was prepared by KCI Technologies, Inc. in December 2023, entitled, "North Henry Residential Development: Traffic Impact Study." It concluded that traffic service levels at the project entrance would be acceptable upon the project buildout, and it recommended the installation of a westbound deceleration lane at the project entrance.

PREVIOUSLY-APPROVED REZONING SITE PLAN, PER RZ-2023-10

“North Henry Townhomes: Forestar Zoning Plan”, prepared by Atwell Group on 12/01/23, (Received by the Planning and Zoning Staff on 12/04/23)



REZONING SITE PLAN, ENLARGED



PREVIOUSLY-APPROVED ADMINISTRATIVE ZONING MODIFICATION

Forestar submitted an administrative zoning modification application on September 19, 2024 in response to the Community Development Department's notification that it would be needed due to differences between Forestar's submitted land disturbance permit site plan and the rezoning site plan from RZ-2023-10. In its Letter of Intent, Forestar explained that the site plan changes were in direct response to the additional twelve (12) zoning conditions which the City Council added during the public hearing for RZ-2023-10. That is, Forestar made changes to the rezoning site plan to incorporate and comply with the new conditions. These included the inclusion of a gates at the project entrance, the conversion of all townhomes to two-car units, the provision of a community dumpster, and the addition of a 10-foot-wide concrete walking path along the front of the development.

PROPOSED DEVELOPMENT

A major zoning modification application was received by the Community Development Department from Falcon Design, on behalf of Apex Stockbridge, LLC, on July 10, 2026. The Letter of Intent stated that the purpose of the application was to "better align the project with current market demands, modern infrastructure standards, and long-term community viability." A new site plan was presented, and the applicant also requested the removal of five of the zoning conditions from RZ-2023-10. The same number of townhomes—ninety (90)—are being proposed as were approved via RZ-2023-10.

The applicant obtained a water and sewer availability letter from the City's Public Works Department, dated January 26, 2026. It stated that "the existing wastewater collection system has sufficient capacity to support the requested sanitary sewer flows. However, the water capacity will be contingent upon the results of the future flow test to be performed by the owner / developer."

Applicant's Requested Removal of Five Zoning Conditions. The applicant has requested the removal of five (5) of the zoning conditions from RZ-2023-10, as follows:

- **Amenity Requirements:** We request the removal of the condition requiring a community pool and clubhouse. Eliminating these high-maintenance features will lower future Homeowners Association (HOA) dues, making these homes more accessible and financially sustainable for residents. [Included on the rezoning site plan.]
- **Waste Collection System:** We request the removal of the central dumpster requirement. In its place,

ZM-2026-03 Staff Report for 4882 North Henry Blvd. / Community Dev. Dept. Stockbridge, GA 09/17/26

we propose individual, curbside roll-out waste collection for each townhome unit, which provides a cleaner, more traditional residential aesthetic and eliminates a central source of odor and debris. [Zoning Condition #4 from RZ-2023-10.]

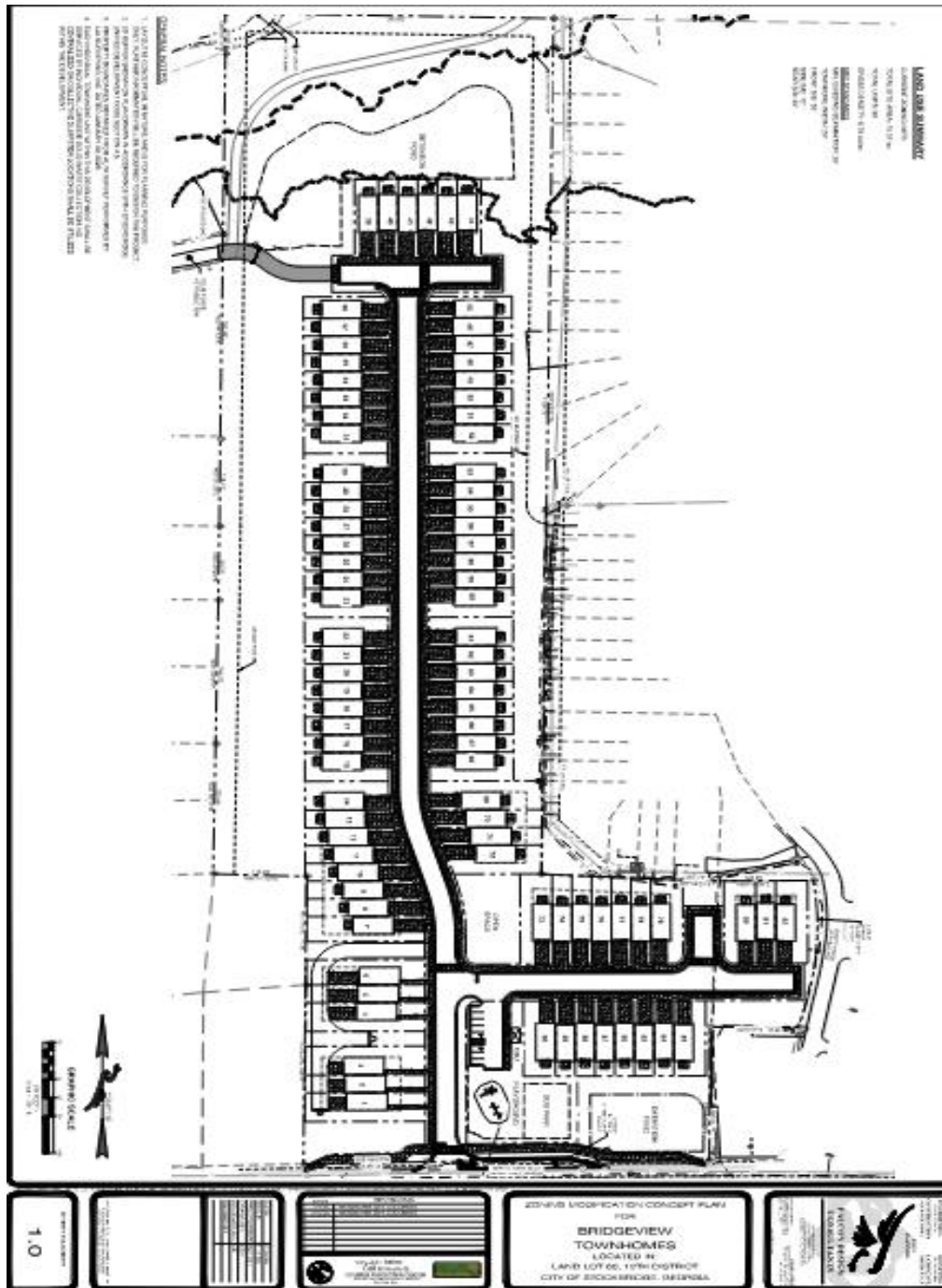
- **Rental Restrictions:** We request the removal of the condition prohibiting the townhomes from being rented. Lifting this restriction provides property owners with necessary financial flexibility and meets the growing demand for diverse housing options within the City of Stockbridge. [Zoning Condition #6 from RZ-2023-10.]
- **Gated Community Requirement:** We request the removal of the condition requiring that the community be gated. This requirement puts a large HOA fee burden on homeowners to finance the ongoing maintenance of the roads and curbs throughout the subdivision. [Zoning Condition #5c from RZ-2023-10.]
- **Architectural Design – Three Sides Brick:** We request the removal of the condition requiring three sides brick and replace it with a condition stating the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting. [Zoning Condition #5a from RZ-2023-10.]

Applicant's Proposed Site Plan. The applicant's proposed site plan, entitled, "Zoning Modification Concept Plan for Bridgeview Townhomes", was prepared by Falcon Design on July 1, 2026 as Project Number 594.001 and is shown below. It was received by the Planning & Zoning Office on July 11, 2026, then a revision was received on July 22, 2026. The proposed site plan does not show the required 10-foot walking path along North Henry Boulevard, nor the entrance gate. The two cul-de-sacs are no longer provided. The street adjacent to Lot 82 end abruptly, with no turnaround room provided next to Center Street. This will need to be corrected. The pool and clubhouse were eliminated, per one of the applicant's requests. The amenities to be provided include a dog park, a playground, and a cabana. And no central dumpster is shown because the applicant is requesting to use individual curbside trash receptacles instead.

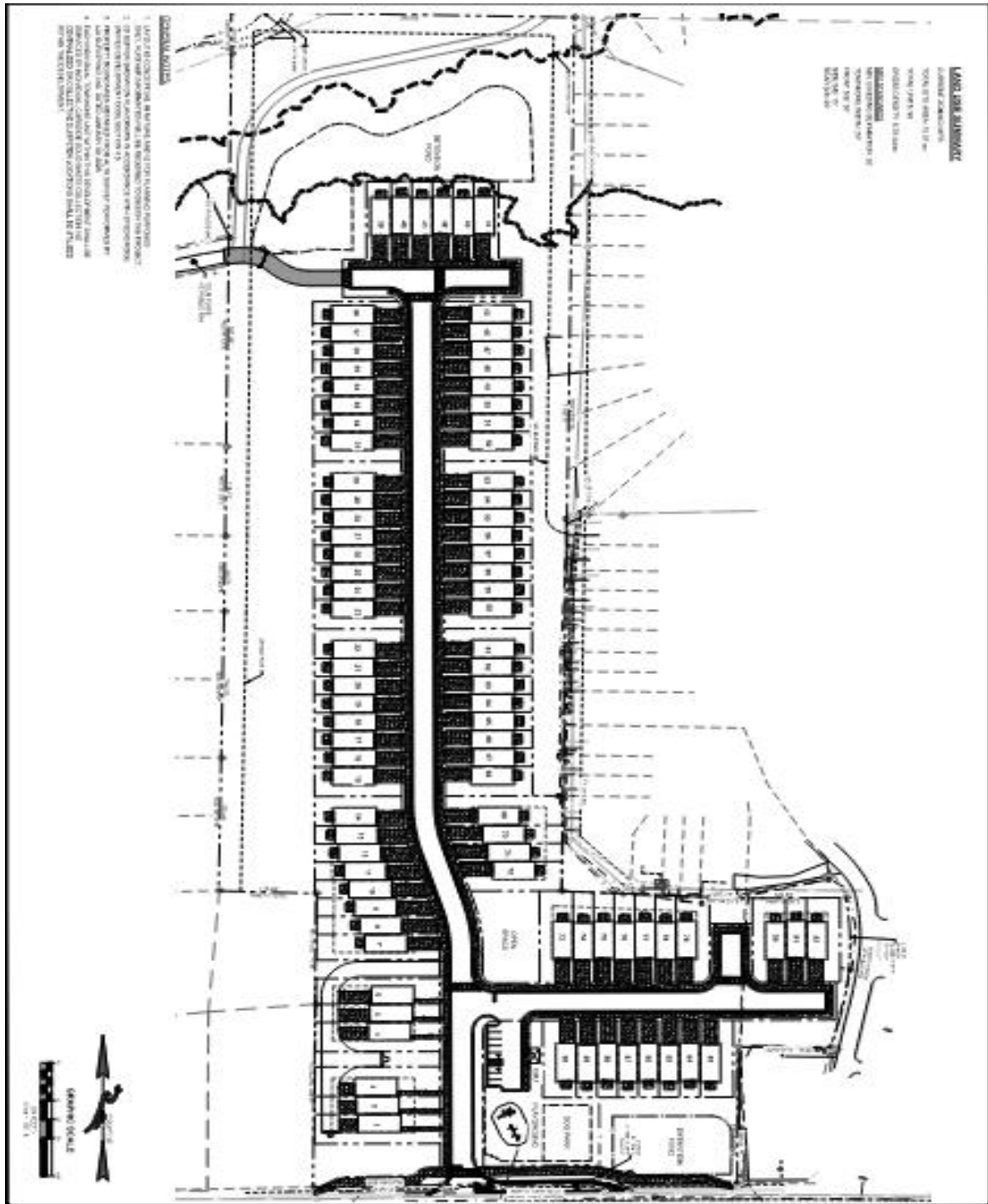
The zoning modification site plan shows that many of the townhome buildings would have more than six units, which conflicts with Section 4.4.4(C)(1) of the Stockbridge Unified Development Code (UDC), which allows a maximum of only six (6) units per townhome building within the MFR zoning district. In addition, the townhome lots only have front yard setbacks of twenty-five (25) feet. This conflicts not only with the variance which the previous applicant obtained via VR-2023-06 for 30 feet, but also with the current MFR district requirement. This will need to be corrected, or the applicant will need to seek a new variance. Shown below is the applicant's rendering of a sample townhome building.

Following the site plan, a table portrays the key differences between the rezoning site plan from RZ-2023-10 and the proposed zoning modification site plan for ZM-2026-03.

SITE PLAN FOR ZM-2026-03 FOR BRIDGEVIEW TOWNHOMES:
“Zoning Modification Concept Plan for Bridgeview Townhomes”, prepared by Falcon
Design on July 10, 2026 as Project Number 594.001; received on August 11, 2026



SITE PLAN ENLARGEMENT



**TABLE OF KEY DIFFERENCES BETWEEN THE APPROVED REZONING
SITE PLAN (PER RZ-2023-10) AND THE PROPOSED ZONING
MODIFICATION SITE PLAN**

#	ELEMENTS FROM THE REZONING SITE PLAN, PER RZ-2023-10	ELEMENTS FROM THE PROPOSED ZONING MODIFICATION SITE PLAN	COMMENTS
1	90 townhome units.	90 townhome units.	Same.
2	Entrance gate.	No entrance gate.	Applicant requests the elimination of the gate to reduce HOA homeowner costs. The internal streets would be public streets, to be maintained by the City.
4	Two cul-de-sac streets.	No cul-de-sac streets.	Eliminated.
5	Pool and clubhouse.	No pool or clubhouse.	Eliminated. The applicant requests their elimination to save on homeowners' HOA fees.
6	Some townhome buildings with eight or more units per building.	Many townhome buildings with eight or more units per building.	Although Section 2.4.4(C)(1) of the current UDC specifies the maximum number of units per building in the MFR district as being six (6), the original application for RZ-2023-10 was submitted under a previous UDC.
7	Central dumpster.	No central dumpster.	Applicant requests the use of individual curbside trash receptables instead of a dumpster.

SAMPLE RENDERING OF A PROPOSED TOWNHOME BUILDING



ANALYSIS OF APPLICANT'S REQUESTS

1. **Site Plan**--The applicant's proposed site plan, entitled, "Zoning Modification Concept Plan for Bridgeview Townhomes", was prepared by Falcon Design on July 1, 2026 as Project Number 594.001, revised, and received by the Planning & Zoning Office on July 22, 2026. Although many of the buildings would have eight (8) units, compared with the current UDC's maximum of six (6) units for the MFR District, this is allowable since the original rezoning application for 4882 North Henry Boulevard (RZ-2023-10) was submitted under a previous UDC. The proposed site plan is therefore acceptable.

2. **Amenity Requirements (from the RZ-2023-10 Site Plan)**—The applicant has requested the removal of the pool and clubhouse that were shown on the rezoning site plan. The proposed development would have only 90 units. This is fewer than the 100-unit threshold which Section 14.9(C) of the UDC identifies as requiring a pool within a subdivision. This request is therefore reasonable. Also, the inclusion of pool and clubhouse was not cited as a zoning condition for RZ-2023-10. Rather, they were just shown on the rezoning site plan. This request is therefore acceptable.
3. **Waste Collection System (from Zoning Condition #4 from RZ-2023-10)**—The applicant requested the removal of the central dumpster requirement, and proposes using individual, curbside roll-out receptacles for each townhome unit. Again, since only 90 units would be built, this request seems reasonable. Further, not having a dumpster would reduce the burden on adjacent communities from excess dumpster waste. This request is therefore acceptable.
4. **Rental Restrictions (from Zoning Condition #6 from RZ-2023-10)**—The applicant requested the removal of the condition prohibiting the townhomes from being rented. This is not accurate because Zoning Condition #RZ-2023-10 allowed 10 percent of the units to be rented. However, removing this condition entirely is not reasonable because the surrounding area consists of fee simple properties rather than rental properties, and the City of Stockbridge wishes to maintain the stability of the neighborhood. While the City is not supportive of removing rental restrictions entirely, the City is willing to modify the condition to allow rentals up to a maximum of **20 percent of the total dwelling units** within the development. The HOA shall be responsible for monitoring and enforcing compliance with this cap. This request is therefore partially acceptable.
5. **Gated Community Requirement (from Zoning Condition #5c from RZ-2023-10)**—The applicant requests the removal of the condition requiring that the community be gated. This request is reasonable due to the fact that fewer than 90 townhome units would be built. In addition, it is desirable to prevent any traffic backups into North Henry Boulevard which the presence of entrance gates might cause. Without the gates, the City of Stockbridge would own and maintain the internal streets as public streets. This request is therefore acceptable.
6. **Architectural Design – Three Sides Brick—(from Zoning condition #5a from RZ-2023-10)**. The applicant requests the removal of the condition requiring three sides brick and replace it with a condition stating the architectural design of the townhomes will be substantially similar to the rendering provided at the City Council meeting. However, this would conflict with the requirement of Section 4.4.4(C) of the UDC, which states that all buildings (including townhomes) within the MFR district be at least 75 percent brick or stone

on all four facades. In fact, the zoning condition was less restrictive than the Section 4.4.4(C) requirement. The applicant's proposed rendering with facades having substantial non-brick portions is not acceptable. However, The City will recommend approval of a modification to the exterior material requirement. In lieu of the previously required three-sided brick standard, the townhomes shall provide a minimum of **75 percent brick or brick veneer on the front facades and end-cap units**, with architectural elevations being substantially consistent with the renderings that were presented to the Mayor and City Council. The final design details should be subject to staff review and approval during the permitting process. This request is therefore partially acceptable.

CONCLUSIONS

The applicant has submitted a zoning modification site plan which differs somewhat from the rezoning site plan from RZ-2023-10, and the applicant has also requested the removal of five of the zoning conditions from RZ-2023-10. As was mentioned above, the site plan is acceptable.

Regarding the requests for the removal of five of the zoning conditions from RZ-2023-10, three of them are reasonable and should be granted. These include the removals of the requirements for the inclusions of a pool and clubhouse, entrance gates, and a central dumpster. The request for the removal of the rental restriction is partially acceptable, and the City is willing to increase the allowable percentage of rental units on the property from 10 percent (per RZ-2023-10) to 20 percent at one time. Regarding the applicant's request to remove the requirement that the townhome buildings have three sides constructed of brick, this request is partially acceptable, with recommended alterations, as was explained above. Therefore, ZM-2026-03 should be partially approved.

RECOMMENDATIONS

Based on the previous analysis, Zoning Modification Case #ZM-2026-03 should be approved with the following ten (10) conditions:

1. **Site Plan—**The proposed development for ZM-2026-03 shall conform substantially to the applicant's proposed site plan, entitled, "Zoning Modification Concept Plan for Bridgeview Townhomes", as was prepared by Falcon Design on July 10, 2026 as Project Number 594.001, revised, and received by the Planning & Zoning Office on August 11, 2026.

2. **Rental Restrictions**—No more than ten (20) percent of the total units may be rented at any one time. The HOA shall be responsible for monitoring and enforcing compliance with this cap. (Partial approval of applicant's request.)
3. **Architectural Design—Three Sides Brick**—All townhome buildings shall have a minimum of 75 percent brick or brick veneers on the front facades and the end-cap units of the townhome buildings, with architectural elevations to be substantially consistent with the renderings that were presented to the Mayor and City Council. The final design details shall be subject to Staff review and approval during the permitting process. (Partial approval of applicant's request.)
4. **Amenities Requirements**—The inclusion of a pool and a clubhouse within the townhome development shall not be required. (Approval of applicant's request; removal of these items from the rezoning site plan from RZ-2023-10.)
5. **Gated Community Requirement**—The inclusion of entrance gates for the townhome development shall not be required, subject to the following: (Approval of applicant's request; removal of Zoning Condition #5c from RZ-2023-10):
 - a. All streets shall be publicly accessible and constructed to applicable City standards.
 - b. The developer shall be responsible for coordinating with the City regarding the acceptance of roads and related infrastructure.
 - c. Any private facilities and common areas shall be maintained by the HOA in accordance with the approved development plans and governing documents.
6. **Waste Collection System**—The inclusion of a central dumpster for the townhome development shall not be required. Instead, individual, curbside roll-out receptacles for each townhome unit may be used. (Approval of applicant's request; removal of Zoning Condition #4 from RZ-2023-10.)
7. **Two-Car Garages**—All townhome units shall have two-car garages. (Emphasizing Condition #5b from RZ-2023-10.)
8. **Remaining Conditions from RZ-2023-10**—The developer shall comply with the remaining zoning conditions from RZ-2023-10.
9. **Water Capacity**—The owner / developer shall perform a "future flow test", in compliance

with the Public Works letter from January 26, 2026, to determine whether sufficient water capacity exists to serve the proposed townhome development. In addition, the developer shall make any necessary improvements that are specified by Public Works.

10. **Trailhead Donation**—The property owner or developer shall donate the trailhead to the City of Stockbridge.

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CHAPTER 1: GENERAL PROVISIONS

1.1 Generally

1.1.1 Short Title

This ordinance shall be known as the "Unified Development Code of the City of Stockbridge, Georgia," and may be referred to herein as the " code," " ordinance," or the "UDC."

1.1.2 Components of this Unified Development Code

This UDC contains the following parts:

- A. Text of this UDC; and
- B. The Official Zoning Map; and
- C. Any map amendment or conditions of approval adopted in accordance with this Code.

1.1.2 Authority

The UDC is enacted based on the authority vested in the City of Stockbridge by the State of Georgia, including but not limited to the Georgia Constitution Article IX, Section 2, Paragraph IV, the Zoning Procedures Law, O.C.G.A. Chapter 36-66-1 et seq., and the charter of the City of Stockbridge, Georgia.

1.1.3 Purpose of the UDC

This UDC is adopted for the purpose of promoting the public health, safety, and general welfare of the residents, property owners, and visitors to the City of Stockbridge and to encourage the orderly, harmonious, and judicious use of land, consistent with the goals, policies, and strategies of the City of Stockbridge Comprehensive Plan. More specifically, this UDC is adopted to accomplish the following purposes:

A. To balance conservation with environmental stewardship by:

- 1. Conserving unique natural resources, including delicate ecosystems, forested areas, stream beds, water reservoirs, and archeological sites.
- 2. Promoting preservation and restoration of the native tree canopy.
- 3. Protecting the built and natural environments from air, water, noise, and light pollution.
- 4. Incentivizing the use of sustainable design features in new developments and projects.
- 5. Promoting the efficient use of land and preservation of open space.

B. To achieve design excellence of the built environment by:

- 1. Providing parking and access standards that appropriately balance pedestrian and vehicular safety and result in safe pedestrian environments of the highest quality.

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2. Providing design standards that result in attractive architecture and compatible transitions of uses, height, and building scale between existing and new developments.
3. Providing and promoting housing for all income groups within the City and promoting the stability of neighborhoods.
4. Ensuring development provides adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

C. To support enhanced quality of life by:

1. Supporting such timing, density, and distribution of land development and uses that will mitigate overcrowding of land to avoid undue concentration of population based on the availability of resources.
2. Reducing or mitigating congestion in the public streets.

1.1.4 Jurisdiction

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.

1.1.5 Minimum Requirements

The provisions of this UDC are intended to be minimum requirements unless otherwise specified. Where the provisions of this UDC impose greater restrictions than other ordinances, the provisions of this UDC shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

1.1.6 Conflicting Provisions

- A. This is the City of Stockbridge Unified Development Code, and all other conflicting ordinances and resolutions are hereby repealed.
- B. If any provision of this UDC is found to be inconsistent with or preempted by state or federal law, regulation, or constitutional requirement, such provision shall be applied only to the extent permitted by law. In such cases, the applicable state or federal requirement shall govern.
- C. Nothing in this UDC shall be construed or applied in a manner that violates or is preempted by applicable state or federal law, including but not limited to the United States Constitution, the Constitution of the State of Georgia, the Georgia Zoning Procedures Law, the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Fair Housing Act, the Americans with Disabilities Act, or the Telecommunications Act of 1996, as amended.
- D. Where the provisions of this UDC conflict with other ordinances or regulations of the City of Stockbridge, the more restrictive provision shall govern, to the extent allowed by law. For purposes of this section, the more restrictive provision is the one that imposes more stringent controls or standards on development. These regulations are not intended to abrogate, annul, repeal, or otherwise impair or interfere with existing provisions of other ordinances or regulations except as expressly provided herein.

- E. The enforcement and interpretation of this UDC shall not be affected by deed restrictions, covenants, or easements, except those imposed as a condition of approval of development plans, special use permits, rezonings, or other approvals granted pursuant to this Unified Development Code.
- F. The issuance of any approval, certificate, or permit in accordance with the standards and requirements of this UDC shall not relieve the recipient of such approval, certificate, or permit from the responsibility of complying with all other applicable requirements from any other city, county, state, or federal agency having jurisdiction over structures or land for which the approval, certificate, or permit was issued.

1.1.7 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 UDC is designed to implement all provisions of the comprehensive plan for the development and use of land.

1.1.8 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. The Director is hereby authorized to interpret the provisions of this UDC whenever it is warranted and appropriate. The Director may authorize a designee to perform any action or duty which such officer, agency, or department is authorized to perform under this UDC.

1.1.9 Effect of Past Approval Condition

- A. The adoption of this UDC shall not repeal or invalidate any special use or conditional approval, or any condition imposed upon a prior rezoning or development approval. Where conditions have been applied to a property or use through the map amendment, special use permit, variance, or similar zoning or quasi-judicial decision process, such conditions shall apply to all portions of the subject development.
- B. All conditions shall be met prior to the issuance of certificates of occupancy/completion for any development within the area subject to a rezoning/map amendment, variance, or special use permit, unless expressly stated in the condition itself.

1.1.10 Effective Date

The provisions of this Ordinance become effective immediately upon adoption. Likewise, the term "Effective Date" shall refer to any subsequent adoption of any amendments.

1.1.11 Severability

If any section, paragraph, clause, phrase, or provision of this UDC 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 UDC.

1.2 Documents Adopted by Reference

The documents identified in the following subsection include any attachments, future additions, appendices, [indices](#), and amendments.

1.2.1 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 UDC. This plan provides information to guide the City of Stockbridge in requiring dedication or preservation of land for rights-of-way for future streets.

1.2.2 Georgia Stormwater Management Manual

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

1.2.3 Metro North Georgia Water Planning District

Legislation for the creation of the Metropolitan North Georgia Water Planning District was enacted 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.

1.2.4 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.

1.2.5 Building and Construction Codes

Each building and construction code that is listed 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).

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1.2.8 OSHA Safety and Health Regulations

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 UDC as if they were quoted verbatim here.

1.3 Rules of Interpretation

1.3.1 Generally

The following rules of interpretation shall apply to the administration of the UDC:

- A. Where any conflict in the administration of the UDC between the text of the UDC and any caption, illustration, or graphic presentation exists, the text of the UDC shall control.
- B. All statements that refer to "section" shall mean sections of this UDC, unless the statement clearly provides a reference to another document.
- C. More specific provisions of this UDC shall be followed in lieu of more general provisions.
- D. Where more than one (1) standard on the same subject is applied to the design and development of land, the stricter standard shall apply.
- E. In interpreting and applying the provisions of this UDC, the provisions shall be the minimum requirements for the promotion of health, safety, aesthetics, and welfare of the public.

1.3.2 Rules of Construction of Language

- 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 "day" shall mean a business day.
- F. The word "month" shall mean thirty (30) days.
- G. The word "year" shall mean a period of 365 days, or 366 days in a leap year, unless otherwise specified.
- H. 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.
- I. 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.
- J. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
- K. The word "or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- L. Words and phrases, except as specifically defined in this UDC, shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning, or as defined in the Complete Illustrated Book of Development Definitions (2017, Routledge), as amended. Words that are defined by State or Federal law or regulation shall have the meaning ascribed to them by the law or regulation when used in the context of said law or regulation.

1.3.3 Abrogation

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

1.4 Zoning Map and Zoning Districts

1.4.1 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 Chapters 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. [The official Zoning Map shall be kept up-to-date to reflect all property annexations and rezonings, all parcel changes due to recombination and subdivision actions, and all corrections to observed errors.](#)
- 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. This new official zoning map shall:
 - 1. 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.
 - 2. Be re-adopted by the Mayor and City Council as needed.
 - 3. 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 UDC."
- F. 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.
- G. 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.

1.4.2 Overlay Districts

The boundaries of the Overlay Districts referenced and identified in [Chapter 2, Zoning and Overlay Districts](#) are incorporated and made a part of the official Zoning Map of the City of Stockbridge.

1.4.3 Rules for Boundary Interpretations

- A. It is the intent of this UDC 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 UDC. If uncertainty exists with respect to the location of the boundaries of any zoning district in the City, the following rules shall apply: 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 UDC, 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. [An alley shall not be used as a basis for identifying a through lot. Through lots may also be known as "double frontage lots."](#)
- G. Where zoning district boundaries are in doubt, the Director shall make such interpretation using the appropriate scale from the official zoning map.

1.5 Transitional Provisions

1.5.1 Purpose

The purpose of this Section shall be to establish the procedures for handling vested rights for application submittals and previous approvals that existed as of the Effective Date of this UDC or any future amendments thereto.

1.5.2 Violations Continue

Any violation of previous zoning ordinances shall continue to be a violation under this UDC and be subject to penalties and enforcement under this UDC unless the use, development,

or activity complies, in its entirety, with the provisions of this UDC. The prosecution of violations which occurred under previous ordinances shall continue until resolved.

1.5.3 Prior Nonconformities and Nonconforming Uses

Any use, plan, structure, or property that was nonconforming under prior ordinances shall be considered a nonconformity under this UDC, except as may be otherwise provided under Chapter 76, Nonconforming Standards. The provisions of Chapter 76, Nonconforming Standards shall be applicable to all nonconformities. Any use, plan, structure, or property that was previously nonconforming that becomes conforming because of adoption of this UDC shall no longer be considered a nonconformity, provided that all applicable provisions of this UDC are complied with.

1.5.4 Effect of this Ordinance on Zoning Applications Submitted and Prior Approvals

A. Application Submitted.

1. Any application for a zoning map amendment (a rezoning) that was filed with the Community Development Department, which and is full, accurate, and complete prior to the effective date of this UDC, 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 Code, the Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
2. Any application which is before the Mayor and City Council or the Planning Commission (i.e., a rezoning, a zoning modification, a special use, a development standards variance, or a land use amendment) that has been filed with the Community Development Department, which and is full, accurate, and complete prior to the effective date of the ordinance from which this chapter is derived, 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 Code, the application will be dismissed.
3. 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.

- B. Approved Zoning Applications.** Any development or project for which a zoning application has been approved under this provision may proceed to completion of the applicable permitting processes as provided herein, at the applicant's option.

1.5.5 Effect of this Ordinance on Permit Applications Submitted and Prior Approvals

- A. Applications Submitted.** Any development or building activity for which a valid, accurate, and complete application for a Land Development Permit or Building Permit has been received prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion, and permits, and other authorizations may be issued as though this Ordinance had not been adopted.

B. **Approved Permits and other Authorizations.** Any development or building activity for which a Land Development Permit or Building Permit has been issued prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and permits may be issued as though the Ordinance had not been adopted. Permits shall be determined issued if all fees have been paid and the appropriate permit documentation has been released to the applicant by the City.

C. **Effect upon Validity of Applications, Permits, and Other Authorizations.** The adoption of this Ordinance shall not be construed to affect the validity of any permit that was lawfully issued prior to the Effective date of this Ordinance, so long as:

1. Such permit has not by its own terms expired prior to such Effective Date;
2. Actual building or land development construction has commenced prior to the expiration of such permit;
3. Applications, permits, and other authorizations comply with the process and timing outlined for expirations in Section 98.2, Permits.
4. Actual building or land development construction is carried on pursuant to said permit and is limited to and in strict accordance with and said permit; and
5. Any future change in the use or development of the property or any structure thereon shall conform with the most recent version of this UDC.

D. **Effect upon Validity of Subsequent Applications.** If any development or building activity requires a series of applications (i.e., Land Development Permit, application for a variance, building permit, etc.), if one application is filed prior to the Effective Date of this UDC, all applications shall be reviewed under the ordinance that is in force and in effect at the time the first application is completed and it shall be approved if it is in compliance with said ordinance, at the applicant's option. Any subsequent applications that are authorized to be processed under this section shall be identified during the review process of the initial, vested application, or they shall be included in the documentation that is submitted with the vested application (i.e., a development site plan that demonstrates the need or intent of the subsequent application(s)).

1.5.6 Effect of this Ordinance on Subdivision Applications Submitted and Prior Approvals

A. **Subdivision Applications Submitted.** Any subdivision for which a valid and complete subdivision application has been submitted prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion, and such applications may be reviewed and approved in accordance with the subdivision regulations that are in effect at the time of submission, as though this Ordinance had not been adopted.

B. **Approved Subdivision Plans.** Any subdivision plan that was approved prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion under the terms of the previously approved plan and in accordance with the subdivision regulations that were in effect at the time of such approval. Approvals shall be deemed valid if all applicable conditions have been met and no expiration has occurred under the provisions that were in effect at the time of approval. Any future

resubmittal, amendment or new phase of development shall conform with the most recent version of this UDC.

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. 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 “City of Stockbridge Official Zoning Map”, together with all explanatory notes thereon. The official zoning map may be amended according to procedures that are established in this UDC. Said map shall be made a public record and shall be kept permanently in the Community Development Department, where the maps or accurate reproductions thereof, will be accessible to the general public, upon request.

2.3 Establishment of Zoning Districts

- A. The zoning districts which are established in this UDC 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.
- B. **Current Zoning Districts.** The City of Stockbridge is hereby divided into the following zoning districts. They are grouped by residential districts, commercial districts, industrial districts, and overlay districts in Table 2.3.B, City of Stockbridge Current Zoning Districts below.

Table 2.3.B – City of Stockbridge Current Zoning Districts	
Residential Zoning Districts	
RR	RR, Rural Residential District
NR	NR, Neighborhood Residential District
SR	SR, Suburban Residential District
CCR	City Center Residential District
MFR	Multiple Family Residential District
MHR	Mobile Home Residential District
Commercial, Office, and Institutional Zoning Districts	

Commented [EM1]: It will not be split once uploaded to municode

Commented [EM2]: Potential change to Urban Residential District (LL)

C1	Neighborhood Commercial District
C2	General Commercial District
OI	Office Institutional District
Industrial Zoning Districts	
LI	Light Industrial District
HI	Heavy Industrial District
Mixed Use Zoning Districts	
DT	Downtown District
MUS	Mixed Use Suburban District
MU	Mixed Use District
PUD	Planned Unit Development District
Overlay Districts	
PMU	Parkway Mixed Use Overlay District
DTV	Downtown Village Overlay District

Commented [EM3]: Potential change to Mixed Use Urban District (LL)

C. Required Dimensional Standards. The following Lot and Building Regulations are applicable in all districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential.

C.1. Figures 2.3.C.1 through 2.3.C.6 below illustrate sample dimensional and lot coverage standards, as they relate to Table 2.3.C, Required Dimensional Standards, which states provides the minimum required lot dimensional standards for each lot in a zoning district.

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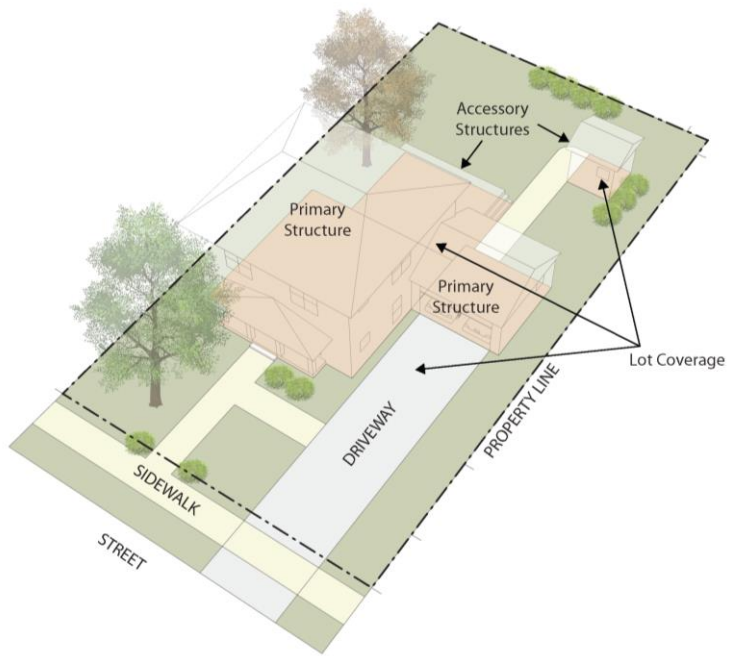


Figure 2.3.C.2 - Lot Coverage Standards

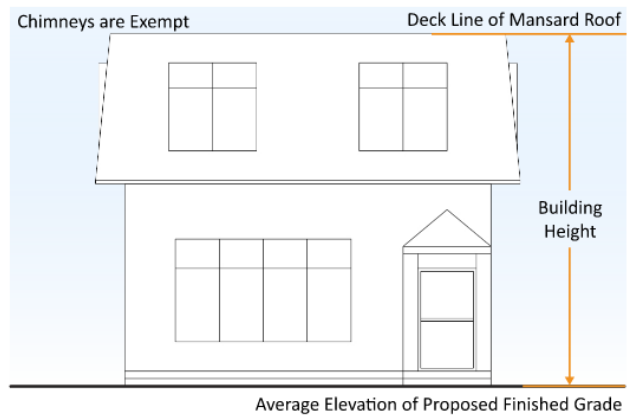


Figure 2.3.C.3 - Building Height Mansard Roof

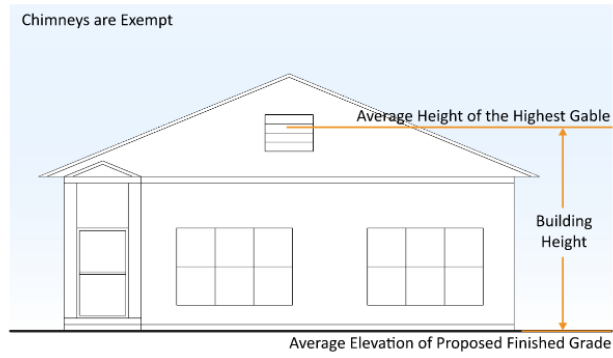


Figure 2.3.C.4 - Building Height Gable Roof

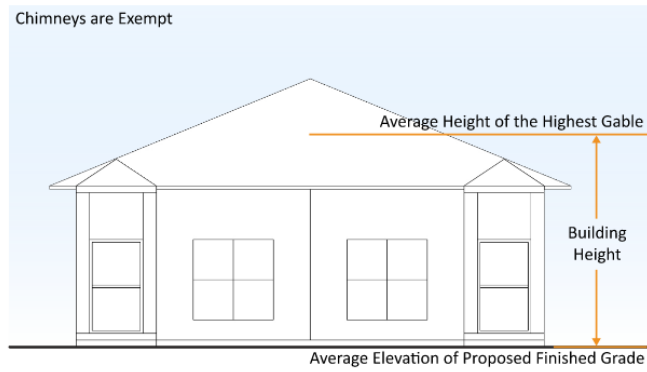


Figure 2.3.C.5 - Building Height Hip Roof

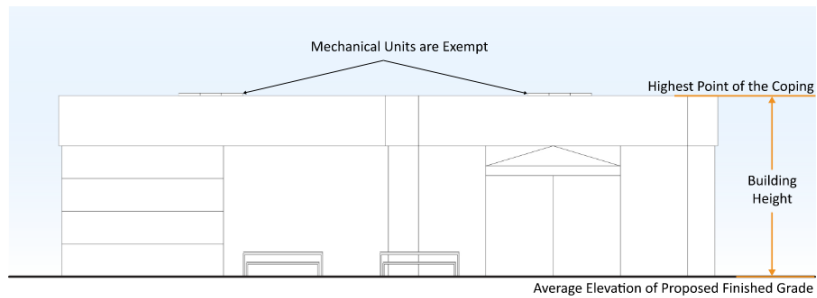


Figure 2.3.C.6 - Building Height Flat Roof

Table 2.3.C – Required Dimensional Standards						
<i>Residential Districts</i>						
Standard		RR	NR	SR	CCR	MFR ⁵
Minimum Lot Size (in acres or square feet)	Water & Sewer System	1 acre	20,000 sf	12,000 sf	6,000 sf	2 acres ⁴
	Water & Septic Tanks	1 acre				
	Private Wells & Septic Tanks	1.25 acres				
Minimum Lot Width (in feet)		150	100	75	50	100
Minimum lot frontage (in feet)		150	100	75	35	100
Lot Coverage (as a percent of total area)		30%	30%	30%	50%	50%
Minimum Street Setback (in feet)		75	50	50	25	30
Side Setback (in feet)		20	15	10	10	15
Rear Setback (in feet)		40	40	40	20	20
Minimum Distance Between Buildings (in feet)		N/A	N/A	N/A	N/A	20
Minimum Open Space (as a percent of total area) ⁷		N/A	N/A	N/A	N/A	15%
Minimum Residential Floor Area (heated square footage)		1,500	1,300	1,050	850	<u>600 (studio)</u> <u>800 (1 bedroom)</u> <u>1,000 (2 bedroom)</u> <u>1,100 (3 bedroom)</u> 600 studio 800 1 bedroom 950 2 bedroom 1,150 3 bedroom

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					1,800 – townhome
Maximum Building Height – Principal (in feet)	35	35	35	40	45
Maximum Building Height – Accessory (in feet)	15	15	15	15	15
<i>Commercial, Office, and Institutional Zoning Districts</i>					
Standard		OI	C1	C2	
Minimum Lot Size (in acres or square feet)		20,000 sf	10,000 sf	10,000 sf	
Minimum Lot Width (in feet)	Water & Sewer System	100	60	100	
	Water & Septic Tanks	125	60	100	
Minimum lot frontage (in feet)	Water & Sewer System	100	60	100	
	Water & Septic Tanks	125	60	100	
Lot Coverage (as a percent of total area)		70%	70%	70%	
Minimum Street Setback (in feet)		50	50	50	
Side Setback (in feet)		15	10	10	
Rear Setback (in feet)		20	20	20	
Minimum Distance Between Buildings (in feet)		20	20	20	
Minimum Open Space (as a percent of total area) ⁷		N/A	N/A	N/A	

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Maximum Building Height – Principal (in feet)	45	35	35
Maximum Building Height – Accessory (in feet)	15	15	15

<i>Industrial Zoning Districts</i>			
Standard	LI	HI	
Minimum Lot Size (in acres or square feet) ¹	30,000 SF	1 acre	
Minimum Lot Width (in feet)	100	150	
Minimum lot frontage (in feet)	100	150	
Lot Coverage (as a percent of total area)	50%	50%	
Minimum Street Setback (in feet)	70	70	
Side Setback (in feet)	10	10	
Rear Setback (in feet)	20	40	
Minimum Distance Between Buildings (in feet)	20	20	
Minimum Open Space (as a percent of total area) ⁷	N/A	N/A	
Maximum Building Height – Principal (in feet)	75	75	
Maximum Building Height – Accessory (in feet)	60	60	

<i>Mixed-Use Zoning Districts</i>			
Standard	DT	MUS	MU
Minimum Lot Size (in acres or square feet)	N/A	3 acres ⁴	2 acres ⁴
Minimum Lot Width (in feet)	N/A	100	100
Minimum lot frontage (in feet)	N/A	100	100
Lot Coverage (as a percent of total area)	90%	90%	90%
Minimum Street Setback (in feet)	20	30	20
Side Setback (in feet)	0	15	15
Side Setback – with windows and door (in feet)	10	N/A	N/A
Rear Setback (in feet)	10	20	20

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Minimum Open Space (as a percent of total area)	N/A	20%	10%
Minimum Residential Floor Area (heated square footage)	600 - studio 800 – 1 bedroom 1,000 - 2 bedroom 1,100 - 3 bedroom	600 - studio 800 – 1 bedroom 1,000 - 2 bedroom 1,100 - 3 bedroom	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Maximum Building Height – Principal (in feet)	45	45	45
Maximum Building Height – Accessory (in feet)	15	15	15
Legacy Zoning Districts			
Standard	MHR⁶	C3	
Minimum Lot Size (in acres or square feet)	15 acres ⁴	10,000 sf	
Minimum Lot Size – Per mobile home lot (in acres or square feet)	Water & Sewer System	5,000 sf	N/A
	Water & Septic Tanks	18,000 sf	N/A
Minimum Lot Width (in feet)	125	100	
Minimum lot frontage (in feet)	125	100	
Lot Coverage (as a percent of total area)	40%	70%	
Minimum Street Setback (in feet)	60	70	
Side Setback (in feet)	15	10	
Rear Setback (in feet)	40	30	
Minimum Distance Between Buildings (in feet)	20	20	
Minimum Open Space (as a percent of total area)	20%	N/A	
Minimum Residential Floor Area (heated square footage)	720	N/A	
Maximum Building Height – Principal (in feet)	35	45	
Maximum Building Height – Accessory (in feet)	15	15	
1. Where a use standard conflicts with the lot standard, the use standard shall govern.			

Commented [EM4]: Review min residential floor areas across all districts - should they all be the same? (LL)

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2. Setbacks and Lot Coverage may differ from the chart based on alternative overlay district standards.
3. For lots where access is provided via an easement, the front setback shall be measured from the edge of the access easement in the same manner as a property line that fronts a public street.
4. The project area for developments within the MHR, MFR, MUS, and MU districts shall meet the minimum lot size, lot width, and lot frontage.
5. For a development containing townhomes within the MFR district, the maximum net density for the townhomes shall be 9 units per acre and the maximum unit width shall be 24 feet.
6. For the MHR district, the development must contain a minimum of 50 units.
7. All developments with a cumulative parcel area greater than three (3) acres, except for those in the DT, MHR, MUS, MU, and MFR zoning districts, shall provide open space in accordance with Section 4.3.3, Open Space Requirements.

Commented [EM5]: Linda is asking where the du/acre cap came from (LL)

Commented [DS6R5]: 2.4.4, letter C

2.4 District Conversions

- A. During the preparation of this new UDC, some zoning districts were retained; some districts were converted to new districts or combined with other districts; some districts were removed; and new districts were added.
- B. Table 2.4, City of Stockbridge Zoning District Conversion Chart provides the district conversions.
- C. On and after the Effective Date, all provisions of this UDC which are applicable to a zoning district shall govern properties that were previously classified in the corresponding zoning district. All references in any prior approvals or documents to the former district shall be construed to refer to the new zoning district name and designation. This renaming does not change any previously approved boundaries, conditions, or entitlements.

Table 2.4 – City of Stockbridge Zoning District Conversion Chart

Previous Zoning District Designation	Zoning District Designation Under this Unified Development Code
Residential Zoning Districts	
RR, Rural Residential	RR, Rural Residential District
	NR, Neighborhood Residential District
SR, Suburban Residential	SR, Suburban Residential District
CCR, City Center Residential District	CCR, City Center Residential District
MFR, Multiple Family Residential	MFR, Multiple Family Residential District
MHR, Mobile Home Residential	RETIRED
Commercial, Office, and Institutional Zoning Districts	
OI, Office-Institutional	OI, Office-Institutional District
C1, Neighborhood Commercial	C1, Neighborhood Commercial District
C2, General Commercial	C2, General Commercial District
C3, <u>Heavy</u> Highway Commercial	RETIRED

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Industrial Zoning Districts	
LI, Light Industrial	LI, Light Industrial District
HI, Heavy Industrial	HI, Heavy Industrial District
Mixed-Use Districts	
DT, Downtown	DT, Downtown District
PUD, Planned Unit Development	PUD, Planned Unit Development District
	MUS, Mixed Use Suburban District
	MU, Mixed Use District

2.5 Zoning Districts

The following sections present those minimum dimensional standards that must be met in

R1R—Rural Single Family Residential District

the respective zoning districts, established in this UDC.

2.5.1 R1R—Rural Single Family Residential District

- A. **District Intent.** The intent of the ~~Rural Transition Residential (RR)~~R1 District is to preserve the larger-lot agricultural and residential character of land which presently serves as a transitional buffer between existing rural land and future urban development. This district supports homes on expansive lots in subdivision developments.
- B. **Dimensional Standards.** Table 2.5.1, ~~Rural Residential~~R1 District Dimensional Standards states the minimum standards for the R1R zoning district.

Table 2.5.1 – ~~Rural Residential~~R1 District (RR) Dimensional Standards

LOT DIMENSIONS	
Min. lot size (public water/sewer and/or septic)	1 acre
Min. lot size (private well and septic)	1.25 acres
Min. lot width (ft)	150
Min. lot frontage (ft)	150
SETBACKS (Ft)	
Street/Easement	75
Side	20
Rear	40
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,500
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

R2NR—Neighborhood Single Family Residential District

2.5.2 NRR2—Neighborhood Singly Family Residential District

- A. **District Intent.** The intent of the Neighborhood Suburban Residential (NR)R2 District is to provide for traditional single-family neighborhoods at low to moderate densities.
- B. **Dimensional Standards.** Table 2.5.2, Neighborhood ResidentialR2 District Dimensional Standards states the minimum standards for the NR2R2 zoning district.

Table 2.5.2 – Neighborhood ResidentialR2 District (NR) Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	20,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	50
Side	15
Rear	40
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,300
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

SRR3—Suburban Single Family Residential District

2.5.3 R3SR—Suburban Singly Family Residential District

- A. **District Intent.** The intent of the Suburban Residential (SR)R3 District is to provide compact residential housing types on moderate lots while maintaining the suburban character of existing neighborhoods. This district supports walkable block patterns.
- B. **Dimensional Standards.** Table 2.5.3, Suburban ResidentialR3 District Dimensional Standards states the minimum standards for the SR-R3 zoning district.

Table 2.5.3 – Suburban Residential District (SR)R3 Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	12,000
Min. lot width (ft)	75
Min. lot frontage (ft)	75
SETBACKS (Ft)	

Street/Easement	50
Side	10
Rear	40
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,050
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

CCR—City Center Residential District

2.5.4 CCR—City Center Residential District

- A. **District Intent.** The intent of the City Center Residential (CCR) 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. This district supports planned residential development that contributes to a vibrant city center.
- B. **Dimensional Standards.** Table 2.5.4, City Center Residential District Dimensional Standards states the minimum standards for the CCR zoning district.

Table 2.5.4 – City Center Residential District (CCR) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	6,000
Min. lot width (ft)	50
Min. lot frontage (ft)	35
SETBACKS (Ft)	
Street/Easement	25
Side	10
Rear	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	50%
Min. residential floor area (heated sq. ft)	850
Max. building height (ft) for principal structures	40
Max. building height (ft) for accessory structures	15

MFR—Multiple Family Residential District

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2.5.5 MFR—Multiple Family Residential District

- A. **District Intent.** The intent of the Multiple Family Residential (MFR) District is to allow the development of multiple family residences served by public water and sewer systems, located along collector streets or higher-classification roadways. This district supports urban scale residential development at an average density of fourteen (14) dwelling units per acre. The city should promote an average density of fourteen (14) dwelling units per acre or higher.
- B. Developments within this district shall provide the following:
1. Public water and sewer systems;
 2. Roads with curb and gutter;
 3. Eight (8) foot internal sidewalks, [in accordance with Section 16.6, Sidewalk Construction Standards](#);
 4. Underground utilities;
 5. A ten (10) foot multi-use paths shall be required along the entire frontage of the development; and
 6. The development shall provide centralized garbage facilities for garbage and refuse collection for a certain number of units or percentage of units located within building throughout the development.
- ~~C. **District Standards, Multi-Family.** Table 2.5.5.C, Multi-Family Standards states the minimum standards for **District Standards.** Table 2.5.5, Multiple Family Residential District Standards states the minimum standards for the MFR zoning district.~~
- ~~C. **The project area for apartment or condo** developments within the MFR zoning district shall meet the minimum lot size, lot width, and lot frontage.~~

Table 2.5.5.C – Multi-Family Standards	
<u>LOT DIMENSIONS</u>	
<u>Min. lot area for development</u>	<u>2 acres</u>
<u>Min. lot width (ft)</u>	<u>100</u>
<u>Min. lot frontage (ft)</u>	<u>100</u>
<u>SETBACKS (Ft)</u>	
<u>Street/Easement</u>	<u>30</u>
<u>Side</u>	<u>15</u>
<u>Rear</u>	<u>20</u>
<u>Distance Between Buildings</u>	<u>20</u>
<u>OTHER REQUIREMENTS</u>	
<u>Max. lot coverage</u>	<u>50%</u>
<u>Min. open space</u>	<u>15%</u>
<u>Max. unit width (townhomes)</u>	<u>24 ft.</u>
<u>Min. residential floor area (heated sq. ft)</u>	<u>650 (studio)</u> <u>800 (1 bedroom)</u>

	<u>950 (2 bedroom)</u> <u>1,150 (3 bedroom)</u>
<u>Max. building height (ft) for principal structures</u>	<u>45</u>
<u>Max. building height (ft) for accessory structures</u>	<u>15</u>

D. Table 2.5.5.C, Townhome Standards states the minimum standards for townhome developments within the MFR zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.5.5.C – Multiple-Family-Residential-District (MFR) StandardsTownhome Standards	
LOT DIMENSIONS	
Min. lot area for development	2 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
<u>Min. unit width (ft)</u>	<u>24</u>
Max. net density (townhomes)	<u>9 townhome dwelling units per acre, unless otherwise permitted as part of an approved mixed-use development or Planned Unit Development, 9 units per acre</u>
<u>Max. number of lots</u>	<u>As specified in the approved development plan.</u>
<u>Max. units per building</u>	<u>6 dwelling units</u>
SETBACKS (Ft)	
Street/Easement	30
Side	<u>10</u> 5
Rear	20
Distance Between Buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	50%
Min. open space	15%
Max. unit width (townhomes)	24 ft.
Min. residential floor area (heated sq. ft)	<u>1,000 (1 bedroom)</u> <u>1,300 (2 bedroom)</u> <u>1,400 (3 bedroom)</u> 650 (studio) <u>An additional 200 square feet for each additional bedroom 800 (1 bedroom)</u> <u>950 (2 bedroom)</u> <u>1,150 (3 bedroom)</u>
Townhome min. residential floor area (heated sq. ft.)	1,800
Max. building height (ft) for principal structures	45

Max. building height (ft) for accessory structures	15
<u>Private Streets</u>	<u>Permitted.</u>
<u>Curb and Gutter</u>	<u>Required, except along approved alleys.</u>
<u>Paved Driveways</u>	<u>Required.</u>
<u>Sidewalks</u>	<u>Required.</u>
<u>Streetlights</u>	<u>Required in accordance with City standards.</u>
<u>Underground Utilities</u>	<u>Required.</u>
<u>Public Sewer</u>	<u>Required.</u>
<u>Public Water</u>	<u>Required.</u>
<u>Residential Parking Garage</u>	<u>Each townhome dwelling unit shall be provided with a minimum two (2) car garage.</u>
<u>Electric Vehicle (EV) Parking</u>	<u>One (1) EV-capable parking space shall be provided for every ten (10) parking spaces, not to exceed thirty (30) spaces.</u>
<u>Alleys</u>	<u>Permitted, but not required.</u>
<u>Porches</u>	<u>Permitted, but not required.</u>
<u>Concurrent Construction Requirement</u>	<u>As specified in the approved development plan.</u>
<u>Architectural Requirements</u>	<u>Shall comply with the Townhome Development Standards and Architectural Design Guidelines contained herein.</u>
<u>Multi-Use Paths</u>	<u>A 10 foot multi-use path shall be provided along the frontage of the development, with 8 foot interior multi-use paths or trails provided where required by the approved development plan.</u>

DT—Downtown District

2.5.6 DT—Downtown District

- A. **District Intent.** The intent of the Downtown (DT) District is to maintain, enhance, and expand the development patterns and mixed use and open space character of Downtown Mainstreet. The district also supports 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 resources, community events/festivals, and compatible residential options, while still allowing flexibility for other uses to locate in the district.
- B. **District Standards.** Table 2.5.6, Downtown District Dimensional Standards states the minimum standards for the DT zoning district.

Table 2.5.6 – Downtown District (DT) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	N/A
Min. lot width (ft)	N/A
Min. lot frontage (ft)	N/A

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SETBACKS (Ft)	
Street/Easement	0
Side	0
Side (with windows and doors)	10
Rear	10
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	90%
Min. residential floor area (heated sq. ft)	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

OI—Office Institutional District

2.5.7 OI—Office Institutional District

- A. **District Intent.** The intent of the Office Institutional (OI) district is to provide locations for the development of offices, banks, and personal business services which can serve as a transitional uses between residential and commercial areas. This district supports low-impact employment uses that complement surrounding neighborhoods.
- B. **District Standards.** Table 2.5.7, Office Institutional District Dimensional Standards states the minimum standards for the OI zoning district.

Table 2.5.7 – Office Institutional District (OI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	20,000
Min. lot width (ft) with public water/sewer	100
Min. lot width (ft) with public water and septic	125
Min. lot frontage (ft) with sewer	100
Min. lot frontage (ft) with septic	125
SETBACKS (Ft)	
Street/Easement	50
Side	15
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>

Max. lot coverage	70%
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

C1 – Neighborhood Commercial District.

2.5.8 C1—Neighborhood Commercial District

- A. **District Intent.** The intent of the Neighborhood Commercial (C1) District is to provide locations for limited retail and service uses to satisfy the common and frequent needs of nearby neighborhoods. This district supports cohesive neighborhood commercial centers with unified architecture and scale, to be accessed on minor arterial roadways.
- B. **District Standards.** Table 2.5.8, Neighborhood Commercial District Dimensional Standards states the minimum standards for the C1 zoning district.

Table 2.5.8 – Neighborhood Commercial District (C1) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000
Min. lot width (ft)	60
Min. lot frontage (ft)	60
SETBACKS (Ft)	
Street/Easement	50
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	70%
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

C2—General Commercial District

2.5.9 C2—General Commercial District

- A. **District Intent.** The intent of the General Commercial (C2) District is to provide locations for a wide variety of retail, service, and wholesale establishments to satisfy the common and frequent needs of residents across the county and of the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial centers, neighborhood or community shopping centers, and/or developed sections along minor arterials or high-classification roadways.

- B. **District Standards.** Table 2.5.9, General Commercial District Dimensional Standards states the minimum standards for the C2 zoning district.

Table 2.5.9 – General Commercial District (C2) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	50
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	70%
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

LI—Light Industrial/Manufacturing District

2.5.10 LI—Light Industrial District

- A. **District Intent.** The intent of the Light Industrial (LI) District is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. This district supports light industrial uses located on either arterial or major collector roadways, or within industrial parks having access to such thoroughfares.
- B. **District Standards.** Table 2.5.10, Light Industrial District Dimensional Standards states the minimum standards for the LI zoning district.

Table 2.5.10 – Light Industrial District (LI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	30,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	50%

Max. building height (ft) for principal structures	75
Max. building height (ft) for accessory structures	60

HI—Heavy Industrial District

2.5.11 HI—Heavy Industrial District

- A. **District Intent.** The intent of the Heavy Industrial (HI) District is to provide for the broadest range of industrial activities, including uses that involve occasional nuisance factors. These uses are to be located on either an arterial or major collector roadway, or within industrial parks having access to such thoroughfares.
- B. **District Standards.** Table 2.5.11, Heavy Industrial District Dimensional Standards states the minimum standards for the HI zoning district.

Table 2.5.11 – Heavy Industrial District (HI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size	1 acre
Min. lot width (ft)	150
Min. lot frontage (ft)	150
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	40
Min. distance between buildings	20
OTHER REQUIREMENTS	
<u>Min. open space</u>	<u>15%</u>
Max. lot coverage	50%
Max. building height (ft) for principal structures	75
Max. building height (ft) for accessory structures	60

MUS—Mixed Use Suburban District

2.5.12 MUS—Mixed Use Suburban District

- A. **District Intent.** The intent of the Mixed Use Suburban (MUS) District is to provide for coordinated, lower-intensity mixed-use development along the GA-23 suburban commercial corridor. The district supports a compatible blend of residential, commercial, office, civic, and limited service uses in a suburban context while promoting improved site design, multimodal connectivity, and reinvestment along the Georgia State Route 23 corridor.
- B. ~~Developments within this district shall provide the following:~~

1. ~~Public water and sewer systems;~~
2. ~~Roads with curb and gutter;—~~
3. ~~Eight (8) foot internal sidewalks, in accordance with Section 16.6, Sidewalk Construction Standards;~~
4. ~~Underground utilities;~~
5. ~~A ten (10) foot multi-use paths shall be required along the entire frontage of the development; and~~
6. ~~The development shall provide centralized garbage facilities for garbage and refuse collection for a certain number of units or percentage of units located within building throughout the development.~~

~~C. District Standards. Table 2.5.12, Mixed Use Suburban District Standards states the minimum standards for the MUS zoning district.~~

~~D.A. _____ The project area for developments within the MUS zoning districts shall meet the minimum lot size, lot width, and lot frontage.~~

Table 2.5.12—Mixed Use Suburban District (MUS) Standards	
LOT DIMENSIONS	
Min. lot size for development	3 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	30
Side	15
Rear	20
OTHER REQUIREMENTS	
Max. lot coverage	80%
Min. open space	20%
Min. residential floor area (heated sq. ft)	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

MU—Mixed Use District

2.5.12~~3~~ MU—Mixed Use District

- A. **District Intent.** The intent of the Mixed Use (MU) District is to provide for ~~higher-intensity~~, mixed-use development within strategic growth areas, ~~to include properties~~

~~located along the Interstate 75 corridor.~~ The district is intended to create compact, walkable, and interconnected mixed-use environments that support employment, commercial activity, housing diversity, entertainment, and regional economic development. The district supports a compatible blend of residential, commercial, office, civic, and limited service uses in a suburban context while promoting improved site design, multimodal connectivity, and reinvestment

Commented [EM8]: Linda mentioned that a portion of I-675 lies within the City – should it be included here, or does it not fall within this corridor/with the Comp Plan’s mixed-use intent

Commented [EM9]: Discuss use of “compact” here: Why compact? Larger tracts may be located in this area, where larger developments would be built. Compact developments belong in the Downtown District or other inner-City areas (LL)

B. Developments within this district shall provide the following:

1. Public water and sewer systems;
2. Roads with curb and gutter;
3. Eight (8) foot internal sidewalks, in accordance with Section 16.6, Sidewalk Construction Standards;
4. Underground utilities;
5. A ten (10) foot multi-use paths shall be required along the entire frontage of the development; and
6. The development shall provide centralized garbage facilities for garbage and refuse collection for a certain number of units or percentage of units located within building throughout the development.

~~6.7.~~ Properties that are adjoining are required to have curb cuts to adjacent properties to create a connection between the two (2) properties. This requirement may be exempted by the Director upon a determination, supported by site-specific analysis, that interparcel connection is not feasible due to traffic concerns or topographic constraints.

C. **District Standards.** Table 2.5.123, Mixed Use District Standards states the minimum standards for the MU zoning district.

D. The project area for developments within the MU zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.5.12 – Mixed Use ~~Suburban~~ District (MU) Standards

LOT DIMENSIONS	
Min. lot size for development	32 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	320
Side	15
Rear	20
OTHER REQUIREMENTS	
Max. lot coverage	89 0%
Min. open space	24 0%
Min. residential floor area (heated sq. ft)	650 (studio)

Commented [EM10]: Linda suggests upping this to 3 acres, to be consistent with the PUD requirements (LL)

	800 (1 bedroom) 950 (2 bedroom) 1,150 (3 bedroom) 600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
<u>Townhome min. residential floor area (heated sq. ft.)</u>	<u>1,000 (1 bedroom)</u> <u>1,300 (2 bedroom)</u> <u>1,400 (3 bedroom)</u> <u>An additional 200 square feet for each additional bedroom</u>
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

2.6 Legacy Zoning Districts

- A. Legacy Zoning Districts represent those zoning districts that have been retired. The purpose of Legacy Zoning Districts is to retire outdated zoning districts as part of the adoption of this UDC, to simplify and modernize the City's zoning framework, and provide for the continued regulation of existing properties within these districts until such properties are rezoned to a zoning district established by this UDC.
- B. No application to rezone property to this district will be heard from the effective date of this UDC.
- C. All areas currently zoned under one of the following zoning districts shall abide by the regulations provided therein.

Commented [EM11]: Potentially include note as to why these districts are being retired (LL)

MHR – Mobile Home Residential District.

2.6.1 MHR – Mobile Home Residential District

- A. **District Intent.** The intent of the Mobile home Residential District is to accommodate mobile home developments as 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 Code.
- B. **District Standards.** Table 2.6.1, Mobile Home Residential District Standards states the minimum standards for the MHR zoning district.
- C. The project area for developments within the MHR zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.6.1 – Mobile Home Residential District (MHR) Standards

LOT DIMENSIONS	
Min. lot size for development	15 acres

Min. lot size per mobile home lot with public water and sewer (sq. ft.)	5,000
Min. lot size per mobile home lot with public water and septic (sq. ft.)	18,000
Min. lot width (ft)	125
Min. lot frontage (ft)	125
SETBACKS (Ft)	
Front	60
Side	15
Rear	40
Min. distance between buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	40%
Min. open space	20%
Min. residential floor area (heated sq. ft)	720
Min. number of units per development	50
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

C3 – Heavy Commercial District

2.6.2 C3—Heavy Commercial District

- A. **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.
- B. **District Standards.** Table 2.6.2, Heavy Commercial District Dimensional Standards states the minimum standards for the C3 zoning district.

Table 2.6.2 – Heavy Commercial District (C3) Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	30

Min. distance between buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	70%
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

2.7 Special Purpose District

2.7.1 PUD—Planned Unit Development District

A. **District Intent.** The intent of the Planned Unit Development (PUD) 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 to obtain developments resulting in harmonious groupings of uses, structures, and shared facilities;
3. Allow flexibility in design for environmentally challenged properties, thereby supporting preservation of a property's natural characteristics; and
4. Encourage innovations in quality residential and commercial development and renewal to better support the efficient use of land and meet local market needs.

B. **Establishment of a PUD District.**

1. A PUD may be requested on any property or properties within the City that meet the minimum standards herein, and in accordance with the rezoning procedures of [Chapter 109, Public Hearing Application, Review Procedures](#), to establish the boundaries and regulations of the PUD.
2. No PUD district may be established without the concurrent approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by Mayor and City Council.

2.7.2 PUD—Minimum Standards

- A. PUDs shall demonstrate consistency with the Comprehensive Plan and the approved Overall Development Plan (ODP).
- B. A phasing plan shall be required for projects expected to take more than five (5) years to complete. Any variation to the phasing plan in timing or sequencing of uses shall be considered a Major Modification.
- C. Previously developed portions of a site may not be counted toward meeting any minimum open space, design, or benefit/amenity requirements.

Commented [EM12]: Potentially rename to PUD section title – this current title “Special Purpose District” allows for future special purpose districts, beyond just the PUD

Commented [DS13R12]: PUD are a special purpose district because they require a hearing aspect

- D. Proposed PUDs shall provide at least two (2) required characteristics from Section 2.7.3, PUD Required Characteristics.
- E. Any development standards not expressly defined by the ODP shall be regulated by the UDC and other applicable ordinances. Where the ODP conflicts with a base UDC standard, the approved ODP shall govern.
- F. Unless otherwise approved as part of the ODP, the following minimum standards apply:
 - 1. Streets shall be a minimum of 26 feet, curb to curb, in accordance with Chapter 16, Infrastructure Improvements. All other access management provisions of Chapter 4, Development Standards shall be met.

2.7.2 PUD—Required Characteristics

- A. At a minimum, each PUD shall provide a combination of at least two (2) of the following characteristics that support the innovative nature of the request. Fulfillment of each required characteristic shall be at the discretion of the Community Development Director and shall remain in place for the life of the project or as necessary to carry out the intent:
 - 1. **New or unique concept or land use.** A project shall describe the extent that it is a new concept or land use, meaning there are no other developments within 2,000 feet like the proposed development and the project will demonstrate how the business/development concept will be successful in the City of Stockbridge.
 - 2. **Cluster Development.** A project designed utilizing a clustered development pattern intended to preserve open space, reduce infrastructure impacts, and encourage coordinated site design. To qualify under this characteristic, the project shall demonstrate how dwelling units or structures are grouped in a manner that preserves meaningful common open space or environmental features while maintaining overall development quality and compatibility. At a minimum, cluster developments shall include the following features:
 - a. Buildings or dwelling units shall be arranged to preserve usable open space, natural features, or environmentally sensitive areas;
 - b. A minimum of twenty percent (20%) of the gross site area shall be preserved as common open space, conservation area, or usable community space, excluding required perimeter buffers and stormwater detention facilities unless designed as an integrated amenity;
 - c. Common open spaces shall be connected through pedestrian pathways, trails, sidewalks, or other internal circulation systems;
 - d. The development shall utilize shared access points, reduced roadway lengths, shared driveways, or other design techniques intended to minimize impervious surface coverage and infrastructure demands where permitted by applicable engineering and public safety standards;

Commented [EM14]: Do we want to require a mixed-use element?

Missing is the current requirement that the PUD district must have two types of uses, in contrast with the MFR district. (LL)

Commented [EM15R14]: LL's further comment: What if a proposed development has only one of the listed characteristics? Which district should it be located in? It seems that this PUD district is being used for too many different types of circumstances. There needs to be a district which simply allows two types of common uses, and another district that is used specifically for innovative developments.

PUD is for innovative, unique development and Mixed-use districts are for mixed uses

Commented [DS16R14]: This section requires at least 2 of the characteristics listed. The 2 uses could be simply residential (cluster and tiny home) or it could be a commercial/residential mix (senior housing and new or unique concept or land use). If the mixed-use districts allow for mixed-use then there is a case to eliminate/retire the PUD district as we are enacted by right mixed-use in other districts.

- e. Open space areas shall include at least one community-oriented amenity, such as a pavilion, community garden, playground, seating area, walking trail, dog park, or similar feature approved by the Community Development Director; and
 - f. The project shall demonstrate compatibility with surrounding development patterns through coordinated architecture, landscaping, buffering, or transitional design elements.
3. **Tiny Home Development.** A project designed as a unified tiny home or cottage-style residential development that promotes innovative housing opportunities, efficient land utilization, and community-oriented site design. To qualify under this characteristic, the project shall demonstrate how the development incorporates high-quality design standards and shared amenities that support long-term residential livability and compatibility. At a minimum, tiny home developments shall include the following features:
- a. Tiny homes shall be developed as part of a unified master-planned development and shall not consist of scattered individual lots lacking coordinated site design;
 - b. The development shall include shared common open space or community gathering areas designed to encourage resident interaction and neighborhood cohesion;
 - c. Tiny homes shall maintain consistent architectural character, building materials, roof forms, and design elements throughout the development;
 - d. Parking areas, refuse collection areas, utility connections, and mechanical equipment shall be screened from public streets and adjacent properties;
 - e. The development shall include pedestrian connections between dwelling units, parking areas, open spaces, and shared amenities;
 - f. Tiny home developments shall provide a minimum of ten percent (10%) of the gross site area as usable common open space or community amenity areas; and
 - g. The project shall demonstrate how the development supports attainable or workforce housing opportunities, innovative residential design, or diversification of the City's housing stock.
4. **Adaptive Reuse Project.** The project shall preserve a substantial portion of an existing structure of relative significance or architectural interest.
5. **Senior Housing.** A project designed to support aging in place, accessibility, and independent living for older adults through thoughtful building design, site planning, and amenities. To qualify under this characteristic, the project shall

demonstrate how it incorporates age-friendly design features and services that enhance safety, mobility, and long-term usability. At a minimum, senior housing projects shall include the following features, as applicable to the proposed housing type:

- a. A no-step entrance leading from the driveway to an entrance with a minimum 32-inch clear opening.
- b. One accessible bathroom on the same level as the no-step entrance.
- c. At least one shower in the home with reinforced beams to allow for the installation of grab rails if necessary at a later date.
- d. Exterior doorways at least 36 inches wide and interior doors with a minimum 32-inch clear opening.
- e. Corridors and passageways 42 inches wide on the same level as the no-step entrance.
- f. Electrical wall outlets placed no more than 15 inches above finished flooring.
- g. Wall switches controlling light fixtures and fans placed 48 inches (maximum) above finished flooring.
- h. In addition to the above unit-level features, projects are encouraged to incorporate senior-supportive site or community elements, such as accessible pedestrian circulation, seating areas, lighting designed for safety, proximity to services, or shared amenities that promote social interaction and independence, as approved by the Community Development Director.

2.7.3 PUD—Overall Development Standards and Plans Required

- A. Development of the PUD shall be governed by the Overall Development Standards (ODS), part of the Overall Development Plan (ODP).
- B. **Overall Development Standards (ODS).** The ODS shall designate the standards of zoning and development for the property. These standards replace the standards in the UD ~~CO~~ and should include, at a minimum, the following:
 1. Permitted and prohibited uses;
 2. Maximum density;
 3. Maximum impervious surface;
 4. Minimum open space;
 5. Minimum and maximum building heights;
 6. Minimum lot size;
 7. Required setbacks;

8. Parking requirements; and

9. Building massing.

C. Overall Development Plan (ODP). The ODP will include a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:

1. **Overall Master Plan.** A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, setbacks, under and over-head utilities, internal circulation and parking, landscaping, preliminary grading, lighting, drainage, amenities, and similar details and their respective measurements.
2. **Phasing Plan.** Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the time frame for construction and development of different aspects of the PUD.
3. **Regulating Plan.** A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed right-of-way cross sections shall also be included in this plan or as an attachment to this plan.
4. **Streetscape and Hardscape Manual.** A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art, etc., within the plan.
5. **Architectural Pattern Book.** An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
6. To the extent that an approved ODS and ODP for a PUD contradict the UDO, the approved ODS and ODP for the PUD district governs. All other chapters govern, unless specific alternatives are proposed and written into the ODS as part of the amendment application.
7. Applications shall include any additional information deemed necessary by the Community Development Director to determine compliance with Ordinance standards.

D. **Analysis of Existing Conditions.** An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information on all existing man-made and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included. The analysis should include all buffers and other applicable standards of federal and state law related to maintenance and protection of wetlands and the banks of navigable waters of the federal and state governments.

- ~~1. **Overall Master Plan.** A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, setbacks, under and over-head utilities, internal circulation and parking, landscaping, preliminary grading, lighting, drainage, amenities, and similar details and their respective measurements.~~
- ~~2. **Phasing Plan.** Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the time frame for construction and development of different aspects of the PUD.~~
- ~~3. **Regulating Plan.** A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed right-of-way cross sections shall also be included in this plan or as an attachment to this plan.~~
- ~~4. **Streetscape and Hardscape Manual.** A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art, etc., within the plan.~~
- ~~5. **Architectural Pattern Book.** An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.~~
- ~~6. To the extent that an approved ODS and ODP for a PUD contradict the UDO, the approved ODS and ODP for the PUD district governs. All other chapters govern, unless specific alternatives are proposed and written into the ODS as part of the amendment application.~~

~~7. Applications shall include any additional information deemed necessary by the Community Development Director to determine compliance with Ordinance standards.~~

E. **Overall Plan or Standards Modifications.**

1. **Minor Modifications.** The Community Development Director shall have the authority, in the administration of the PUD, to approve minor modifications of the Overall Development Plan or Overall Development Standards without a public hearing in a manner that is consistent with the purpose or intent of the overall development. Minor modifications are those changes 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.
 - a. Any request for a minor modification of the ODP or ODS shall be made in written form to the Director. Furthermore, the request for a minor modification shall be accompanied by copies of the revised ODP and ODS.
2. **Major Modifications.** Any major modification to the site plan, or to conditions that were attached to an approved Overall Development Plan or Overall Development Standards, shall require an application and public hearing before the Planning Commission and the City Council, in accordance with the rezoning procedures of Chapter 109, Public Hearing Application, Review Procedures. Without limiting the meaning of the phrase, the following are examples of what constitutes a "major modification" for purposes of interpreting this section:
 - a. 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;
 - b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
 - c. Any change in any buffer requirement(s) that were imposed in the original zoning amendment;
 - d. Any increase in the height of any building or structure; or
 - e. Any change in the proportion of floor space that is devoted to different authorized uses.

Commented [EM17]: Consider renaming to "site plan amendment" or some type of "amendment" (LL)

Commented [DS18R17]: Modifications include anything under C before it not just to the site plan

2.8 Overlay Districts

2.8.1 Generally

- A. These overlay districts are superimposed on portions of one (1) 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 UDC.** 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 UDC, the standards and requirements of the overlay district shall govern.
- C. **Applicability.** Overlay districts are supplemental to the underlying zoning district classifications established in the UDC 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 Director 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 development or activities, unless expressly stated herein:
- ~~1.—Any application submittals and previous approvals lawfully issued permit, issued prior to the effective date of this ordinance, as long as in accordance with Section 1.5, Transitional Provisions;:~~
 - ~~a.—Such permit has not expired prior to such effective date of this ordinance;~~
 - ~~b.—Actual building or site construction commences prior to the expiration of said permit;~~
 - ~~c.—Actual building or land development construction is carried on pursuant to said permit and is limited to work in strict accordance with said permit; and,~~
 - ~~d.1. Any future change in the use of the property or any structure thereon shall conform with the most recent version of the applicable 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.
 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. The new construction shall be of a similar floor area, materials, architectural character, and design as the single-family dwellings on adjacent lots within the same subdivision.
 - ~~4.—Work that does not expand the floor area of an existing nonresidential building or structural capacity of the existing development, provided that:~~
 - ~~a.—The structure is on a lot of record; and~~
 - ~~b.a. The modification activity does not affect a change to more than 20 percent (20%) of the existing permitted structure or 5,000 square feet, whichever is less. Nonconforming standards in accordance with Chapter 7, Nonconforming Standards.~~
 - 5.—Subsurface site improvements, including but not limited to installation or repair of underground utility lines and drainage ways.

2.8.2 PMU—**Parkway Mixed Use Overlay District**

A. **Purpose.** The purpose of the Parkway Mixed Use Overlay (PMU) 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 and 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.** These regulations of the PMU Overlay District pertain to all properties which have frontage on one (1) or more streets, as identified and designated on the City's Overlay District Map.

C. **Permitted Uses.** Developments may contain a single use or a combination of uses arranged vertically within the same building or horizontally across multiple buildings and sites. Any use permitted within the underlying zoning district, including the MU and MUS districts, shall be permitted in the PMU Overlay District, subject to the standards of this Ordinance. Such uses or combination thereof, where listed as "Select Uses" shall be subject to the additional standards of this PMU Overlay District.

D. **Select Uses.** The following uses shall be permitted within the PMU Overlay District only in accordance with the requirements of Section 2.8.2.D.2, Additional Requirements for Select Uses.

1. **List of Select Uses.**

- a. Fueling stations;
- b. Automotive service/repair/maintenance centers, minor;
- c. Car washes;
- d. Convenience stores.
- e. Restaurants with drive-through (a.k.a. "drive-thru") facilities or windows; or

Commented [EM19]: Discuss removal of the density maximums previously included in the PMU overlay (45 du/acre, etc.) (GL)

Commented [DS20R19]: Removed density maximum and density bonus as no other zoning district has a density -- we could add something that permits 2.8.2 smaller lot sizes based on amenities provided if you are wanting to retain this.

Commented [DS21]: Gordon "The existing PMU regulations expressly provide that the PMU Overlay District takes precedence over base zoning districts and other overlay districts. This provision has been removed. Please clarify which standards govern where the PMU overlaps with another overlay district, particularly where the applicable overlay standards conflict. The existing applicability provisions require high-rise and mixed-use buildings within the PMU to comply with the additional standards previously associated with the High-Rise Mixed-Use Overlay District. This language has been removed. Please confirm whether these standards have been incorporated elsewhere in the proposed UDC or whether their removal is intentional."

Commented [DS22R21]: There is no overlap of overlay districts on your zoning map and 2.8.1 addresses the base zoning districts. Your current code incorporated any associated requirements from the high-rise mixed use overlay district and does not need to be stated since it was eliminated

Commented [EM23]: Discuss reverting back to permitted uses withing C1, C2, OI, CCR, and MFR instead of as permitted by the underlying zoning district; could include MU and MUS to this list (GL)

Believe our intent was to require appropriate rezonings to match desired uses within the overlay.

Commented [DS24R23]: Same comment, according to the comprehensive plan the PMU areas overlap the areas for mixed use or high density residential so it appears this overlay needs to be stripped down.

- f. Other proposed select uses, to be determined acceptable by the Director.

2. Additional Requirements for Select Uses.

- a. A select use must be located on a property which has frontage on either a collector or an arterial road, as is classified by the Georgia Department of Transportation or the Henry County Department of Transportation.
- b. Any existing nonconforming structures may not be enlarged or expanded.
- c. Building facades for both primary and accessory structures must be constructed of brick, stone, or other approved masonry by the Director on all sides.
- d. Fueling stations shall provide an equal number of electric charging stations as fuel pumps on the site, and covered canopies must be provided over all fuel pumps and electric charging stations.
- e. Select uses shall provide an acceptable means of access and internal site circulation, to be determined acceptable by the Fire Marshal.

E. Prohibited Uses. The following uses shall be prohibited within the PMU Overlay District:

1. Adult entertainment establishments.
2. Ambulance service.
3. Automobile broker (no vehicle storage), except for stand-alone office uses.
4. Automobile rental and leasing facilities.
5. Automotive service repair and maintenance facilities, major.
6. Building and lumber supply establishments.
7. Day care centers.
8. Funeral home, mortuaries, and crematoriums.
9. Greenhouses and nurseries, including landscape service.
10. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers.
11. Retail warehouses/wholesalers providing sales of merchandise (with or without outdoor storage).
12. Rooming and boarding houses.
13. Self-service storage, mini-warehouses, or warehousing and storage.
14. Personal care homes.
15. Tattoo and piercing parlors.
16. Trade shops, including electrical plumbing, heating/cooling, and roofing siding.
17. Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.

Commented [DS25]: Consider establishing criteria for the Director's determination of additional "Select Uses" to provide an objective basis for administering this provision. [GL]

Commented [DS26R25]: The criteria could be based off the frontage, traffic, etc. Leaving it like this allows the Director discretion and the applicant can always appeal that "interpretation"

Commented [DS27]: The existing PMU prohibits "specialized housing facilities," while the proposed language specifically prohibits "personal care homes." Please confirm whether this terminology change is intended to narrow the prohibited-use category and whether other uses currently classified as specialized housing facilities remain prohibited within the PMU. [GL]

Commented [DS28R27]: Specialized housing facilities include senior housing, cottage court and tiny house village which should be allowed in a mixed-use zoning district or overlay

18. Industrial uses, warehouses, and business distribution centers.

19. Tobacco, vape shops, and/or smoke shops.

20. Animal care facilities.

F. Site Design Standards.

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

2. **Stormwater Features.** Bioretention planters, permeable paving, rain gardens, and other green infrastructure features are encouraged. Stormwater features shall be integrated into streetscape design wherever practical.

3. Parking.

- a. Parking shall be located to the rear or side of buildings, where feasible.
- b. 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.
- c. The Director may approve a reduction of up to twenty-five percent (~~10~~25%) 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.

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 requirement may be exempted by the Director upon a determination, supported by site-specific analysis, that interparcel connection is not feasible due to traffic concerns or topographic constraints.
- ~~b-c.~~ Intersection crosswalks shall be constructed or stained concrete or brick pavers. Concrete pavers shall be stamped and stained to give the appearance of brick.

5. Landscaping.

- a. A minimum tree canopy cover of aAt least thirty percent (30%) shall be provide for paved parking areas exceeding 4,000 square feet in new or redeveloped sites. The canopy percentages shall be calculated by including preserved and newly planted trees through delineation of polygon mapping for groupings and canopy projections for new plantings based on species specific data.

Commented [DS29]: The existing PMU specifically prohibits “veterinary clinics,” while the proposed language prohibits the broader category of “animal care facilities.” Please confirm whether the intent is to prohibit all uses classified as animal care facilities within the PMU, rather than only veterinary clinics. [GL]

Commented [DS30R29]: I would argue that a doggy daycare or boarding would be a more intensive use than a clinic which is why we categorized it as all facilities. If you would like it separated out, we can do that.

Commented [EM31]: Discuss keeping or striking this language - sort of in conflict with Sec. 11.2 -- general admin variance section only allows up to 10% reduction: “The reduction of minimum parking spaces required is limited to a maximum deviation of ten percent (10%) of the code requirement.”

Commented [DS32R31]: We can align the administrative section to 25% if desired or eliminate this and keep the 10% administrative variance. But yes they should match.

~~a. —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. All surface parking areas (of any size) abutting a public street (not including an alley) must be screened in accordance with Section 4.7.5, Landscape Strips.
- 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.
- d. Green fields and wooded areas should be left as they are, until they are developed into another use.
- e. 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. 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.

- G. **Streetscape Standards.** The streetscape along ~~the major highways~~ arterial or collector streets 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. The building frontage zone shall be provided between the edge of the pedestrian travel zone and the front façade of the adjacent building. The building frontage zone may be located within the public right-of-way as approved by the Director of Public Works or on private property.

2. Pedestrian travel zones shall be a minimum of ten (10) feet wide, measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works, 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. The fixtures/planting zone shall be provided between the back of curb and pedestrian travel zone and located within the public right-of-way or as approved by the Director of Public Works.
Within the fixtures/planting zone:

~~a. Shall contain street trees~~ Street trees planted in accordance with Section 13.84.7.4, Street Trees.

~~a.~~

~~b. Benches shall be placed at a maximum distance of 500 feet from one another.~~

~~c. Trash receptacles shall be placed at street intersections and at a maximum of 500 feet apart from one another.~~

~~b.~~ Bicycle racks should be located at a maximum distance of 250 feet apart. Benches shall be durable metal, wood, recycled composite, or similar high-quality material. Benches shall be anchored and coordinated in style throughout the district. Benches shall be placed at a maximum distance of 500 feet from one another.

~~c.~~ Trash receptacles shall be placed at street intersections and at a maximum of 500 feet apart from one another.

~~d.~~ Bicycle racks shall be installed near primary building entrances. One bicycle rack space shall be provided for every twenty thousand (20,000) square feet of nonresidential floor area, with a minimum of two (2) spaces.

~~e.~~ Pedestrian-scale lighting should shall be incorporated along all pedestrian paths and shall be placed a maximum of every 40 feet on center. The poles shall be smooth black with a cobra head and a maximum of 40 feet in height.

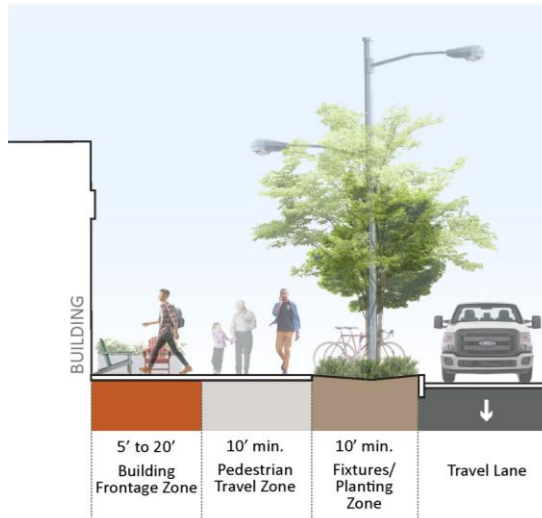


Figure 2.8.2.G - Streetscape Standards

H. Building Standards.

1. **Height.** The building shall be a minimum of two (2) stories and a maximum of twenty (20) stories. The first finished floor level shall be level with the sidewalk grade.
2. For parcels located in the Parkway Mixed-Use Overlay District, the ground floor area, at street level, shall be occupied by one of the following active uses listed under the categories identified below, as they relate to and are shown on Table 3.1.B – Land Uses.
 - a. Any use listed under LODGING;
 - b. Any use listed under INSTITUTIONAL/PUBLIC;
 - c. Any use listed under MASS ASSEMBLY CENTERS & GROUNDS;
 - d. Any use listed under OFFICE;
 - e. Any use listed under RETAIL;
 - f. Any use listed under RESTAURANT & FOOD ESTABLISHMENTS;
 - g. Any use listed under SERVICES;
 - h. Exemptions.
 - i. Standalone single-family detached and single-family attached uses (duplex, triplex, and quadplex buildings) shall be exempt from the provisions of this section.
 - i. Development that is held in ownership by a government agency shall be exempt from the requirements of this section.

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Commented [EM33]: Potentially remove - as single fam detached is not permitted in the DT district on the use table.

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~~j. If a Medical Office, Specialist, or Clinic use is provided to meet this regulation, the floor area shall be in one or more of the following functions: lobby, waiting room, food service, or out-patient clinic.~~

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

3. Setbacks.

~~a. The required building setbacks of the underlying zoning district may be reduced, as approved by the Director, to encourage new commercial buildings to develop closer to the street.~~

~~b.a.~~ 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.

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

5. 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.

6. 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 Director. These structures shall be:

- a. 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.
- b. The color shall be compatible with the building façade.
- c. The scale (height, length, depth and overall bulk) shall be compatible with the building storefront.
- d. Columns to the structures are not permitted in the public right-of-way

7. Building Entrance.

- a. All first story uses shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from the sidewalk.
- b. 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.

I. **Architectural Requirements.** The following design guidelines and standards apply to all newly-constructed buildings used for nonresidential or residential purposes.

1. Design Composition.

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Commented [EM34]: Discuss removing this to allow standalone residential buildings - I think our intent was to require active commercial space in all buildings at the first floor;

Gordon's comment relates to the permitted uses statement: "Developments may contain a single use or a combination of uses arranged vertically within the same building or horizontally across multiple buildings and sites."

Commented [DS35R34]: We can match 2.8.3, G of the DTV?

- a. 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 for the PMU Overlay District. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors.
- b. For large commercial/retail, mixed-use, and multifamily buildings, variations in facade, roofline, and depth should be provided to lend the appearance of multitenant occupancy.
- c. Contrasting accent colors on any single facade shall be limited to no more than ten percent (10%) of the total wall area for any single façade
- d. Permanent mounted exterior neon lights shall not be allowed.
- e. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.
- f. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted.
- g. Satellite dishes shall be located and painted to blend with the background as much as practical.
- h. All design and construction shall be subject to architectural review by the Director ~~or~~ to ensure adherence with the requirements and intent of this Section.

2. **Exterior Finish Materials.** Table 2.8.2.IG.2, PMU Allowed Building Materials below and the provisions of this Section outline the allowed building materials that may be used, in combination, to create a consistent, attractive, interesting, and long-lasting building design:

Table 2.8.2.I.2 – PMU Allowed Building Materials	
Building Material	Requirement
Brick ¹ or Stone ²	Minimum fifty percent (50%) per façade
Glass	Permitted
Tilt/Pre-Cast	Prohibited
Stucco	Maximum fifty percent (50%) per façade
Concrete Blocks	Prohibited
CMU/Split-Face Block	Maximum ten percent (10%) per façade
Natural Wood and/or Cementitious Fiberboard	Prohibited ³
Metal	Prohibited
Tile	Prohibited
Notes:	

1. Brick ~~veneers that are intended to simulate brick exteriors are not acceptable~~ veneer walls shall use full-depth brick.
2. 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 shall be prohibited.
3. Allowed for stand-alone residential buildings, provided such buildings have a minimum 4:12 roof pitch.

Commented [EM36]: See comment regarding standalone residential uses

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2.8.3 DTV—Downtown Village Overlay District

A. **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.

B. **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 City's Overlay District Map.
3. The requirements of this DTV Overlay 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.

C. **Permitted Uses.** All permitted uses as provided within the Downtown District (DT) are permitted uses in the DTV Overlay District.

D. **Special Uses.** All special uses as provided in the Downtown (DT) District are special uses in the DTV Overlay District.

E. **Prohibited Uses.** The following uses are prohibited in the DTV 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.

Commented [DS37]: The existing DTV regulations expressly permit residential units located on upper floors above and/or to the rear of commercial and office uses. This provision has been removed from the proposed DTV standards. Please confirm whether these mixed-use residential configurations remain permitted under the proposed Downtown (DT) District standards or whether their removal is intentional. [GL]

Commented [DS38R37]: Yes we made DT more of a mixed-use district and therefore residential can be stand alone

Commented [DS39]: The existing DTV Overlay District identifies additional special uses, including bed and breakfast establishments, multifamily residential buildings, passenger depots/transit shelters, single-family residences, and container- and rail-based commercial structures. These DTV-specific provisions have been removed. Please confirm whether these uses and the associated standards for container- and rail-based commercial structures have been incorporated elsewhere in the proposed UDC or whether their removal is intentional. [GL]

Commented [DS40R39]: The IBC has industrialized buildings which we have identified in 4.4.2. Again DT is intended to be a mixed-use district therefore we defaulted to DT

Commented [DS41]: Places of worship" are prohibited within the existing DTV Overlay District but have been removed from the proposed prohibited-use list. Please confirm whether the intent is to allow places of worship within the DTV Overlay District subject to the applicable DT District use regulations. [GL]

Commented [DS42R41]: Prohibiting them is a RLUPA violation if you allow other places of assembly which is why we removed it

7. Fueling stations.
8. Payday loan, title loans, money cash exchanges.
9. Public and private schools and related facilities.
10. Restaurants with drive-through facilities (a.k.a. "drive-thru") and/or windows.
11. Tobacco, vape shops, and/or smoke shops.
12. Tattoo and piercing studios.
13. Extended stay lodging.

F. **Temporary Uses.** The following temporary uses are required to seek special event approval from the Director within the DTV 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 mobile vendors.
3. Outdoor recreational and/or educational opportunities.
4. Sidewalk sales.

G. Required Ground Floor, Street Level Active Uses.

1. For parcels located in the Downtown Village Overlay District, the ground floor area, at street level, shall be occupied by one of the following active uses listed under the categories identified below, as they relate to and are shown on Table 3.1.B – Land Uses.

~~Any use listed under RESIDENTIAL;~~

2. Any use listed under LODGING;

3. Any use listed under INSTITUTIONAL/PUBLIC;

4. Any use listed under MASS ASSEMBLY CENTERS & GROUNDS;

5. Any use listed under OFFICE;

6. Any use listed under RETAIL;

7. Any use listed under RESTAURANT & FOOD ESTABLISHMENTS;

8. Any use listed under SERVICES;

9. Exemptions.

a. Standalone single-family detached and single-family attached uses (duplex, triplex, and quadplex buildings) shall be exempt from the provisions of this section.

b. Development that is held in ownership by a government agency shall be exempt from the requirements of this section.

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Commented [EM43]: Potentially remove - as single fam detached is not permitted in the DT district on the use table.

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10. If a Medical Office, Specialist, or Clinic use is provided to meet this regulation, the floor area shall be in one or more of the following functions: lobby, waiting room, food service, or out-patient clinic.

G.H. Site Design Standards.

1. There shall be no outdoor storage of either materials or products.
2. Roadways shall be designed utilizing curb and gutter, in accordance with Chapter 16, Infrastructure Improvements.
3. **Utilities.**
 - a. Utilities shall be located underground. Utility boxes, transformers, and mechanical equipment visible from public streets shall be screened with landscaping or architectural treatments.
 - 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. **Stormwater Features.** Bioretention planters, permeable paving, rain gardens, and other green infrastructure features are encouraged. Stormwater features shall be integrated into streetscape design wherever practical.
5. **Landscaping.**
 - a. Landscape beds shall incorporate drought-tolerant and native plant materials whenever feasible. Landscaping shall not obstruct pedestrian visibility or traffic sight triangles. Artificial turf shall be prohibited within required streetscape planting areas.
 - ~~b. Irrigation systems or comparable watering methods shall be provided for all required landscaping.~~
6. **Lighting Standards.**
 - a. **Pedestrian-Scale Lighting Required.** Decorative pedestrian-scale lighting shall be provided along sidewalks, plazas, and pedestrian gathering areas. Fixtures shall generally be between twelve (12) and sixteen (16) feet in height.
 - b. **Design.** Lighting fixtures shall maintain a coordinated downtown character. Cobra-head highway style fixtures shall be prohibited unless required by a state or federal agency.
 - c. **Illumination.** Lighting shall be designed to improve public safety while minimizing glare and light trespass. Full cut-off fixtures are encouraged.

- d. **Accent Lighting.** Architectural lighting, façade lighting, and landscape uplighting may be permitted where designed to complement downtown character.

7. Crosswalks and Pedestrian Connectivity.

- a. **Connectivity.** Development shall provide direct pedestrian connections between buildings, parking areas, sidewalks, trails, and adjacent properties. Gated pedestrian barriers between compatible adjoining developments shall be prohibited unless required for public safety.

- b. **Mid-Block Connections.** Large developments or superblocks may be required to provide mid-block pedestrian passages where determined necessary by the City.

- b-c. Intersection crosswalks shall be constructed or stained concrete or brick pavers. Concrete pavers shall be stamped and stained to give the appearance of brick.

Commented [DS44]: Criteria is typically based on site layout , traffic, etc. It is site specific which is why we left it at the discretion of the City

8. Outdoor Dining

- a. Outdoor dining shall be permitted within the overlay district subject to applicable encroachment permits and public safety requirements.
- b. Restaurant tables and chairs are permitted in the front setback but shall not be positioned so that their use blocks pedestrian flow. Within two (2) hours of the posted closing time, such tables and chairs shall be removed and stored inside the primary or accessory building.
- c. Outdoor seating areas shall utilize durable and coordinated furnishings, and include decorative landscaping or screening where appropriate.
- d. Public plazas, courtyards, pocket parks, and greenspace areas are encouraged.
- e. Outdoor dining or retail display areas shall maintain a minimum five (5) -foot accessible pedestrian path at all times.

9. Parking.

- a. On-street parking, either angled or parallel, may be provided along all public streets, unless otherwise determined by the Mayor and City Council.
- b. The Director may reduce the parking requirement by twenty-five percent (~~25~~10%).
- c. Off-street parking facilities shall be illuminated with downcast lighting using energy-efficient bulbs.

Commented [EM45]: See previous comment regarding parking reduction limit - 10% elsewhere under administrative variance section

H.I. **Streetscape Standards.** The purpose of streetscape standards is to: establish a safe, comfortable, and attractive pedestrian-oriented public realm; promote walkability; encourage coordinated downtown design and branding; improve connectivity between

Commented [DS46R45]: These should be aligned. What is the preference 25% or 10%? We could also go in between at 20%

commercial, civic, residential, and public gathering areas; support economic development through vibrant and visually cohesive downtown environment; and promote accessibility for persons of all ages and abilities. The streetscape along the major highways shall be divided into two distinct zones consisting of a pedestrian travel zone and fixtures/planting zone. The widths of each zone shall be as provided below:

1. Pedestrian travel zones along principal downtown streets shall have a minimum unobstructed pedestrian travel zone of ten (10) feet wide. Pedestrian travel zones along secondary streets shall have a minimum unobstructed pedestrian clear zone of eight (8) feet. The required width shall be measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works.
 - a. Pedestrian travel zones shall consist of poured concrete, decorative concrete, brick pavers, or other durable materials approved by the City. Asphalt sidewalks shall be prohibited except for temporary installations approved by the City.
 - b. Pedestrian travel zones shall be kept clear and unobstructed for the safe and convenient use of pedestrians.
2. A fixtures and planting zone shall be provided between the back of curb and pedestrian travel zone whenever feasible and located within the public right-of-way or as approved by the Director of Public Works. Developments ~~with more than one hundred (100) linear feet of street frontage~~ shall provide street trees planted in accordance with Section 13.84.7.4, Street Trees within the fixtures and planting zone and shall provide at least two (2) ~~additional elements of the following elements:~~
 - a. Benches shall be durable metal, wood, recycled composite, or similar high-quality material. Benches shall be anchored and coordinated in style throughout the district. Benches shall be placed at a maximum distance of 500 feet from one another.
 - b. Trash receptacles shall be placed at street intersections and at a maximum of 500 feet apart from one another.
 - c. Bicycle racks shall be installed near primary building entrances. One bicycle rack space shall be provided for every twenty thousand (20,000) square feet of nonresidential floor area, with a minimum of two (2) spaces.
 - d. Public art;
 - d-e. Pedestrian-scale lighting shall be incorporated along all pedestrian paths and shall be placed a maximum of every 40 feet on center. The poles shall be smooth black with a cobra head and a maximum of 40 feet in height.
 - e-f. Public gathering elements;

- f.g. Decorative planters;
- g.h. Outdoor dining enhancements;
- h.i. Utility fixtures;
- i.j. Wayfinding signage; or
- j.k. Water features.

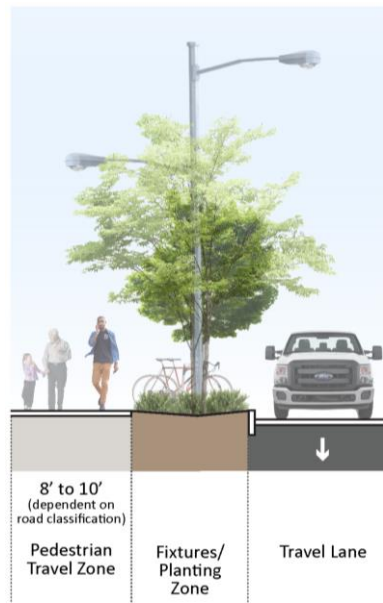


Figure 2.8.3. ~~II~~ - Streetscape Standards

~~II~~. Building Standards.

1. Height.

- a. The maximum building height shall be four (4) stories or 55 feet with the first finished floor level being level with sidewalk grade. A height variance may be applied for in accordance with Chapter 10, Variances and Appeals.
- b. The minimum building height location at an intersection shall be three (3) stories or 45 feet with the first floor level being level with sidewalk grade.

2. Setbacks.

- a. **Front Yard Setback.** The front yard setback shall be a minimum of 0 feet from the curb and may be increased to 20 feet if additional space is

landscaped as a garden or outdoor seating or dining area. Entries may be recessed up to 25 feet.

- b. **Side Yard Setback (each side).** The side yard setback may be zero (0) feet if attached to or abutting an adjacent building. Where not attached or abutting, the side yard building setback shall be a minimum of ten (10) feet, but not more than 20 feet in width.
- c. **Rear Yard Setback.** The rear yard setback shall be a minimum of 25 feet. If located within the historic downtown, the rear yard setback shall be a minimum of 55 feet.

J.K. Architectural Requirements. 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. Design Composition.

- a. **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.
- b. **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.
- c. **Transparency.** For a mixed-use building that has a nonresidential ground floor use, the minimum transparency shall be seventy (70%) percent of the total surface area of a façade facing any street. Alleys shall be exempt from the requirement. To calculate the minimum transparency percentage, divide the total transparent glass area by the total surface area of the facade then multiply by 100.
- d. **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.

2. Exterior Finish Materials.

- a. **Table 2.8.3.****KJH.2**, DTV Allowed Building Materials below and the provisions of this Section outline the allowed building materials that may be used.

- b. **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.

Table 2.8.3.K 4.2 – DTV Allowed Building Materials	
Building Material	Requirement
Brick ¹	Minimum 100% on three (3) sides
Brick ¹ , Stone ² , or Stucco	Minimum 50% on the front façade
Decorative Glass	Permitted
Decorative Block ³	Permitted
Architectural Concrete ³	Permitted
Pre-Cast Concrete Units ³	Permitted
Vinyl	Permitted in the eaves, soffits, and gables
Metal	Permitted in the eaves, soffits, and gables
Fiber Board Siding	Permitted in the eaves, soffits, and gables
Notes:	
1. Brick veneers that are intended to simulate brick exteriors are not acceptable.	
2. 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 shall be prohibited.	
3. Provided that surfaces are molded, serrated, or treated with a textured material in order to give the front side a three-dimensional character.	

CHAPTER 3: USE REGULATIONS

3.1 Use of Land

- A. All uses of land in the City of Stockbridge shall adhere to the Land Use Table as provided in this Chapter. The table shall be interpreted as follows:
1. The letter “P” shall mean the subject use is permitted in the indicated zoning district.
 2. The letter “S” shall mean the subject use is permitted in the indicated zoning district following the issuance of a special use permit in accordance with [Section 109.2.5, Requirements for Special Use Permits](#).
 3. The letter “A” shall mean the subject use is permitted in the indicated zoning district as an accessory land use.
 4. The letter “A/S” shall mean the subject use is permitted in the indicated zoning district as an accessory land use and with the issuance of a special use permit [in accordance](#) with [Section 109.2.5, Requirements for Special Use Permits](#).

5. A blank box shall mean the subject land use is prohibited in the indicated zoning district.
6. The "See Section" column is provided for situations in which use-specific regulations apply to the subject land use.

B. Land Use Table:

Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R1A	R24A	R4B3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Commercial Greenhouses and Plant Nurseries, including landscaping services	S									P	P	P	3.2.110
Keeping or raising of livestock	S												3.2.243
Livestock processing and feedlots	S										S	P	3.2.254
Riding academies or stables	P									P	P		3.2.4
Roadside produce stands	S												3.2.321
Accessory dwelling unit (guesthouse, in-law suite, apartment over garage)	A	A	A	A									3.2.2
Duplex, Triplex, quadplex				P	P		S	P					
Home occupation	A	A	A	A	A		A	A					3.2.221
Live-work unit					P		P	P					
Manufactured home	P	P	P	P									
Industrialized home	P	P	P	P									
Multi-family apartments and condos					P		P	P					
Single-family residences (detached)	P	P	P	P			P	P					

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R1A	R2M4A	SAD13	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Townhouse (fee-simple only)				P	P			P					
Upper story residential							P	P					
Bed and breakfast (not in subdivision)	S						S						3.2.67
Boutique Hotel							P	P	P	P			
Hotel							P		P	P			
Motel									P	P			
Short-term vacation rental	A	A	A	A									Title 9
Boarding/rooming house	S				S	S			P	P			
Personal care homes, group homes, and boarding home having 2 or less persons	P	P	S	S	S								3.2.298
Personal care homes, group homes, and boarding home having 2 or more persons	S	S	S			S							3.2.298
Nursing homes, assisted living, and hospice care facilities					S	S							3.2.276
Senior adult housing	P	P	P	P	P		P	P					3.2.365
Build-to-rent single-family development			S	S	P			P					3.2.87
Tiny house village development				P	P		P	P					3.2.410
Cottage court clusterhome village development				P	P		P	P					3.2.121
Cemeteries	P	P	P						S				3.2.98

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Land-Use	See Section
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Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R-1R	R-2M4A	S-1013	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Funeral homes, mortuaries, and crematoriums	S									S	P	P	3.2.2019
Emergency response and public safety facilities	P	P	P	P	P	P	P	P	P	P	P	P	3.2.176
Golf courses and driving ranges	S	S	P		P								3.2.210
Municipal or county buildings	P	P	P	P	P	P	P	P	P	P	P	P	
Library or museum						P	P	P	S	S			
Public Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	
Amphitheaters, theaters with live performance, assembly or concert halls, or similar								P	P	S	S	S	3.2.3029
Athletic fields	S		S			P	S	S	P	P	S	S	3.2.3029
Firing ranges										S	S	S	3.2.3029
Convention centers							S	S		S	S	S	3.2.3029
Civic centers							S	S		S	S	S	3.2.3029
Fairgrounds										S	S	S	3.2.3029
Clubs, lodges and event facilities						P	S	S		P	S	S	3.2.3029
Indoor recreation (bowling alleys, movie theaters and other activities conducted wholly indoors)									P	P	S	S	3.2.3029
Outdoor amusements (miniature golf, carnivals or midway rides, pony rides,							S	S		S	S	S	3.2.3029

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Land-Use	See Section													
Table 3.1.B – Land Uses														
Land Use	Zoning District												See Section	
	R1A	R2A	S402	CCR	MFR	OI	DT	MU	C1	C2	LI	HI		
climbing walls, tracks for go-carts and similar vehicles, and other tourist-oriented rides and amusements)														
Places of worship	P	P	P	P	P	P	P	P	P	P	P	P	3.2.3029	
Rodeos										S	S	S	3.2.3029	
Colleges, universities, research and training facilities	P					P			P	P	P	P		
Public kindergarten, elementary, middle and high schools	P	P	P	P	P	P	P	P	P	P	P	P	3.2.3433	
Private kindergarten, elementary, middle and high schools	S					P			P	P			3.2.343	
Private commercial/vocational schools (including martial arts, dance studios, and other traditional technical or vocational training)						P	S	S	P	P	P	P		
Automobile brokerage (no vehicle storage)										P				
Automobile service, major repair											P	P	Title 9	
Automobile service, minor repair										P	P		Title 9	
Automobile sales and truck sales											S		Title 9	
Automobile rental and leasing facilities										P	P			

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R1A	R2M4A	S4003	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Automobile wash and wax centers										P			
Commercial Drone Delivery Hub										A/S	A/S	A/S	Title 93.2.14
Fueling stations										S			3.2.1984
Recreational vehicle/boat sales and service										S			
Tire shops										S			Title 9
Contractor's establishment (with material and equipment storage)									S	P	P	P	
General business or administrative office, (without storage)						P	P	P	P	P	P	P	
General						A	P	P	P	P			
Art gallery						P	P	P	P	P			
Farmer's market							P	P	S	S	P	P	
Grocery stores							P	P	P	P			
Hardware store or other building materials store									P	P			
Liquor or package store									P	P			Title 9
Pawn shops and second-hand stores, including apparel, music, movies, gaming, and books										P			Title 9
Pharmacy or drug store						P	P	P	P	P			
Small box discount stores									S	P			3.2.3764

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zone District												See Section
	R1A	R2M4A	SND13	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Tattoo shops										P			Title 9
Used appliance shops										P			Title 9
Vape shops, hookah sales										P			Title 9
Accessory cafe or eatery within a building						A	A	A	A	A	A	A	
Brewpub, beer growler, brewery							P	P	P	P			
Bakery, confectionary, and cafe uses							P	P	P	P			
Catering establishments									P	P			
Cigar bars, hookah lounges										P			
Restaurants (non-drive-thru)						P	P	P	P	P			
Restaurants with a drive-thru configuration									P	P			
Specialty food stores (e.g., coffee, ice cream)						P	P	P	P	P			
Ambulance, taxi or limousine service, dispatch, and storage											P	P	
Bus or rail stations or terminals for passengers												P	
Airstrips, airports, and heliports											S	SP	3.2.5
Parking, commercial lot											P	P	

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Land-Use	See Section												
Table 3.1.B – Land Uses.													
Land Use	Zoning District												See Section
	R1A	R2M4A	S4013	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Parking, commercial garage						A	A	A	A	A	P	P	
Parking, Truck lots (as distinguished from truck terminals and similar uses)											P	P	
Adult and child day care	S		S	S	S	P			P	P			3.2.3
Kennels	S									P	P		3.2.4
Veterinary clinics	S									P	P		3.2.4
Banks, credit unions or other similar financial institutions							P		P	P			
Barber shop/beauty salon or similar establishments							P		P	P			Title 9
Coin laundry, dry cleaning, and pickup stations						A			P	P			
Day spa							P	P	P	P			
Nail shops							P		P	P			Title 9
Fitness center						A	P		P	P			
Other Personal services establishment							P		P	P			
Photographic studios							P	P	P	P			
Publishing or printing establishments							P		P	P			
Dental offices and clinics						P	P	P	P	P			
Health services clinic, urgent care						P	P	P	P	P			
Home healthcare service, office use only						P	P	P	P	P			

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R1A	R2A	S402	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Hospital or medical facility						P				P	P	P	3.2.23249
Kidney dialysis center						P			P	P			
Medical or dental laboratories						P				P	P	P	
Physical therapy						P	P	P	P	P			
Agricultural implementation and equipment establishments	S										P	P	
Armory and equipment sales											P	P	
Alternative energy production (other than solar energy systems)												S	3.2.6
Agriculture crop processing and storage (of materials produced off-site)	S											P	
Automobile/Truck manufacturing											S	P	
Asphalt and concrete batching plants												S	
Asphalt manufacturing												P	
Business distribution centers											P	P	
Blast furnace, steel furnace, blooming, or rolling mill												P	
Brick, tile, and terra-cotta manufacturing												P	

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zone District												See Section
	R1A	R2A	SAP13	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Clinics, cafeterias, employee credit unions and recreational facilities for employees only						A			A	A	A	A	
Computer and data processing services											P	P	
Centers for manufacturing, production, processing or assembly											P	P	3.2.1098
Central mixing plants for cement, mortar, plaster or housing materials												S	
Cement, lime, gypsum, or plaster manufacturing												P	
Chemical storage or manufacturing												P	
Data Center												SP	3.2.132
Heating and electric power generating plants and all necessary uses												P	
Fabrication shops											P	P	
Lumber yard for wholesaling of building products												P	
Machine and machine tool manufacturing											P	P	
Mines and quarries												PS	3.2.2654

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Land-Use	See Section												
Table 3.1.B – Land Uses.													
Land Use	Zoning District												See Section
	R1A	R2A	SAR2	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Development of natural resources, including the removal of minerals (such as rock quarries) and natural materials, together with necessary buildings and machinery												S	
Petroleum or inflammable liquids, production, refining, or storage												P	
Poultry killing, plucking, and processing	S											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	

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Land-Use	See Section												
Table 3.1.B – Land Uses													
Land Use	Zoning District												See Section
	R1A	R2M4A	S4023	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Tinsmith/roofing operations												P	
Sanitary landfill												S	
Salvage yards or junkyards and wrecker services (with storage area)												P	3.2.33229
Self-service storage facilities											S	S	3.2.3542
Towing, wrecking, and impound service												P	
Warehousing or storage											P	P	
Wholesale business, warehouse, distribution, and similar non-processing storage and distribution uses											P	P	
Tractor trailer storage and trailer drop lots												S	
Truck terminals												S	
Truck, Trailer, Tractor sales and service												S	
Truck staging facilities											S	S	3.2.421
Truck stops												S	3.2.4138
Truck storage facilities												S	3.2.432
Radio/television transmission towers greater than 35 feet in height											S	S	
Radio tower under 35 feet or less in height											P	P	

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Land-Use	See Section												
Table 3.1.B – Land Uses.													
Land Use	Zone & District												See Section
	R1A	R2A4A	S40R2	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Transit park-and-ride lots											P	P	
Wireless telecommunications	P										P	P	
Utility substation (not to include electrical substations)	P								P	P	P	P	
Water tower	P								P	P	P	P	
Electrical substations	P		P	P	P	P	P		P	P	P	P	3.2.1540
Integrated SES	A	A	A	A	A	A	A	A	A	A	A	A	3.2.3875
Rooftop SES	S	S	S	S	S	S	S	S	S	S	S	S	3.2.3875
Ground-mounted SES, small scale									S	S	P	P	3.2.3875
Ground-mounted SES, intermediate scale											P	P	3.2.3875
Ground-mounted SES, large scale											S	S	3.2.3875
Parking lot solar carports					A		A	A					3.2.38
Accessory Structures	A	A	A	A	A	A	A	A	A	A	A	A	3.2.1
Commercial Delivery Hub, Accessory						A	A	A	A	A	A	A	3.2.14
Fences and walls	A	A	A	A	A	A	A	A	A	A	A	A	3.2.1873
Electric vehicle charging stations	A	A	A	A	A	A	A	A	A	A	A	A	3.2.1651
Gate and security buildings											A	A	
Outdoor storage	A										A	A	3.2.2875
Satellite dish antennas	A	A	A	A	A	A	A	A	A	A	A	A	
Swimming pools and pool enclosures	A	A	A	A	A	A	A	A	A	A	A	A	3.2.3986
Temporary buildings and Structures	P	P	P	P	P	P	P	P	P	P	P	P	3.2.40397

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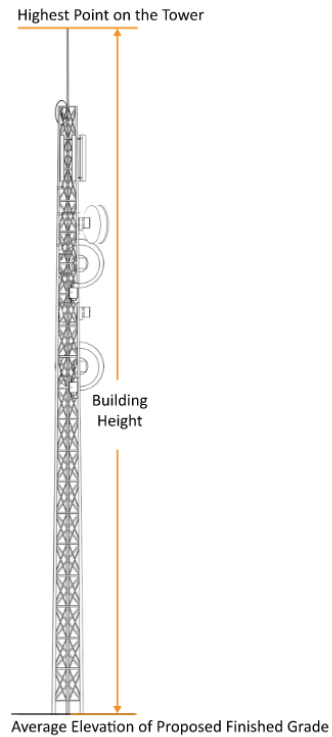


Figure 3.1.B - Tower with Antenna Height.

3.2 Supplemental Use Regulations

3.2.1 Accessory Structures

- A. Accessory structures shall generally be compatible with the surrounding neighborhood and consistent with the character and intent of the zoning district in which they are located.
- B. Walls and fences shall not be considered accessory structures.
- C. Accessory structures shall be located on the same lot as, and subordinate to, the principal use or structure.
- D. Standards for specific accessory structures are set forth below. All accessory structures shall comply with the standards that are set forth below:
 - 1. Accessory structures shall be located within a side or rear yard unless otherwise provided below. In the [RR-1](#) zoning district, accessory structures may be located

within the front yard if the land area of the subject lot is greater than or equal to three (3) acres and not part of a platted subdivision.

- 2. Accessory structures shall not be erected prior to construction of the principal structure, except for agricultural storage buildings located on lots in the [R4](#) zoning district if the land area of the subject lot is greater than or equal to three (3) acres.
- 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, easements, or stormwater management areas.
- 5. Accessory structures 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 following requirements.

Development Feature	Standard
Setbacks:	
From side and rear property lines	10 feet
For corner lots	Front setback for district applies to both frontages
Maximum height:	
Agricultural support structures, barns, and silos	None
Airplane hangars, regardless of zoning designation	35 feet
Separation from principal building:	10 feet
Maximum floor area:	
On parcels equal to or greater than three (3) acres and located in the R4 zoning district	No greater than the heated floor area of the subject principal building
On parcels less than three (3) acres and located in the R4 zoning district	No greater than 50% of the heated floor area of the subject principal building
All other zoning Districts	No greater than 50% of the heated floor area of the subject principal building

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3.2.2 Accessory Dwelling Units

- A. **Lot Requirements.** Accessory dwellings units may be located on lots meeting the following minimum standards:
 - 1. The lot shall comply with the minimum lot area requirements of the applicable zoning district.
 - 2. Lots served by county sewer shall be a minimum size of 18,000 square feet.
 - 3. Lots utilizing an on-site sewage management system shall be a minimum size of 30,000 square feet.
- B. **Quantity.** No more than one (1) accessory dwelling unit shall be established on a residential lot.
- C. **Parking.** A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling unit.
- D. All accessory dwellings units shall comply with all applicable building, fire, and health UDC requirements.
- E. All attached accessory dwellings units shall meet the following standards:
 - 1. **Location of entrances.** Only one (1) entrance may be located on the façade of the principal dwelling facing the street, unless the principal dwelling contained additional entrances before the ~~guest house~~[accessory dwelling unit](#) was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances serving balconies or decks.
 - 2. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level ~~guest house~~[accessory dwelling unit](#) shall not be located on the front of the principal dwelling and shall be ~~located~~[setback](#) a minimum of five (5) feet from the front building façade.
- F. Freestanding or detached accessory dwellings units shall meet the following standards:
 - 1. Accessory dwelling units are considered an accessory structure if detached from the principal building and shall comply with all accessory structure regulations found in Section 3.2.1, Accessory Structures.

3.2.3 Adult and Child Day Care Facilities

- A. All facilities shall comply with applicable State regulations and shall obtain and maintain all required State licenses and approvals.
- B. Facilities shall be located on lots containing a minimum of one (1) acre.
- C. All facilities must obtain a business license with the city and provide proof of State licensure to the City prior to business licensing.
- D. 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:

- 1. Facilities shall have access to a roadway classified as a collector or higher in the adopted thoroughfare plan.
- 2. No day care home shall be located within ~~one thousand five hundred~~ ~~(1,500)~~ 1,500 feet of another day care facility.

3.2.4 Animal Care Facilities

- A. Design standards for specific animal care facility uses are listed in the table below, to include the following use types:
 - 1. Animal Hospitals.
 - 2. Veterinary Clinics.
 - 3. Kennels.
 - 4. Stables.

Animal Care Facility: Animal Hospital or Veterinary Clinic (located in a freestanding building)	
Development Feature	Standard
Animals allowed	Domestic pets, farm animals, and livestock; wild animals are prohibited
Minimum building separation from parcels zoned or developed residentially	50 feet
Building design	Consistent with the design, materials, and color of buildings in the surrounding area
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Animal boarding	Soundproofing required
Animal Care Facility: Animal Hospital or Veterinary Clinic (located in a multi-tenant building)	
Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum building separation from parcels zoned or developed residentially	50 feet
Building design	Soundproofing required and odor-proofing required
Animal boarding	Prohibited
Animal Care Facility: Commercial Kennel	

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Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum land area	Two (2) acres in the R R ₁ zoning district; one (1) acre in all other zoning districts
Minimum building separation from parcels zoned or developed residentially	50 feet
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Animal boarding	Soundproofing required
Animal Care Facility: Noncommercial Kennel	
Development Feature	Standard
Animals allowed	Up to ten adult domestic pets, only; farm animals, livestock, and wild animals are prohibited
Minimum land area	Three (3) acres
Limitations on zoning districts	Allowed only in the R R ₁ zoning district
Minimum building separation from parcels zoned or developed residentially	50 feet
Animal Care Facility: Stables (to include riding academies, barns, and other facilities for farm animals and livestock)	
Development Feature	Standard
Animals allowed	Farm animals and livestock
Minimum land area	Three (3) acres
Minimum building separation from parcels zoned or developed residentially	50 feet
Minimum setback from parcels zoned or developed residentially for outdoor tracks and exercise yards	100 feet
Outdoor tracks and exercise yards	Odor control required; pest control required
Fences	The parcel (three or more acres) shall be fenced. The outdoor track and each exercise yard shall be separately fenced.

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3.2.5 Airstrips, Airports, and Heliports

A. Airstrips, airports, and heliports shall comply with the following regulations:

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, to screen sight or sound of activities from adjacent and nearby residential neighborhoods. The buffer shall be a minimum of ~~one hundred (100)~~ 100 feet in width and shall meet all requirements of Chapter 13, Buffers, Landscaping, and Tree Protection.
3. The landing strip/runway shall not be paved. The use of permeable or pervious pavement materials shall be allowed.
4. ~~All~~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 special 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 special 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 special use.
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.

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3.2.6 Alternative Energy Production (other than solar energy systems)

- A. ~~Ground mounted structures and components, including transformers and foundations, shall be considered impervious.~~
- B. ~~Lighting fixtures at facilities shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way. Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.~~
- C. ~~Buffers and Screening. All facilities shall be screened to create a visual buffer from neighboring parcels and rights-of-way. Buffers shall be undisturbed (natural) but may include fences and earthen berms, or other encroachment, where specified by this UDC.~~

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The existing natural tree growth and natural landforms along the facility perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

D. **Decommissioning.** Decommissioning of a facility shall begin no later than 12 months after a facility has ceased to generate electricity or thermal energy. Within six (6) months of the beginning of decommissioning, the facility 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 facility or to some other condition reasonably appropriate for the designated land use.

E. All buildings and structures shall maintain setbacks of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.

F. Any facility shall be located no closer than 50 feet to any abutting parcels zoned or used residentially.

G. Any large-scale facility building or structure shall be located no closer than 100 feet to any abutting parcels zoned or used residentially.

H. Facilities shall display advisory signage to include the following information, at minimum:

1. A statement about the risks that may result from physical contact with, or entry into, the subject facility;
2. The owner or operator of the subject facility; and
3. A twenty-four-hour emergency contact phone number.

3.2.76 Bed and Breakfast Facility

- A. The subject building must be a minimum of ten (10) years old before a bed and breakfast facility may be established. The individual or family operating the facility must occupy the house as their primary residence.
- B. The owner or operator of a bed and breakfast facility may reside in an accessory dwelling unit on the subject property so long as said accessory dwelling unit predates the bed and breakfast building.
- C. A bed and breakfast may be staffed by individuals that do not reside in the subject building.
- D. Bed and breakfast facilities may be temporarily used for luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation, so long as the occupant count does not exceed 100 persons, provided the subject building has been approved to support that capacity, pursuant to applicable life safety requirements.
- E. Vehicular drop-off and pick-up areas that directly face and/or abut residential property shall be screened from said abutting property by an opaque vegetation that achieves a uniform height of six (6) feet no greater than three (3) years after the date of planting.

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- F. No separate kitchen facilities shall be allowed. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
- G. The site design standards set forth in the table below are required for all bed and breakfast facilities.

Development Feature	Standard
Maximum number of bed and breakfast guest units	6
Minimum heated floor area of subject building	3,500 square feet
Maximum floor area which the bed and breakfast use may occupy within the primary structure, in relation to the homeowner's area	75 percent
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property

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H. **Permits and Licensing.**

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- 1. Special use permits for bed and breakfast facilities shall not be transferable to any future owner of the subject property nor to any other person or entity. Upon transfer of ownership of the subject property, the special use permit shall expire.
- 2. All bed and breakfast owners and operators must apply for a business license permit and must maintain a valid business license. Renewals must be submitted annually before the operational permit expires. Business licenses are not transferable.

3.2.87 **Built-to-Rent Single-Family Developments**

- A. Build-to-Rent (BTR) means a residential development consisting of single-family dwellings in which more than ten percent (10%) of the units are constructed for the primary purpose of being leased rather than sold, typically under single ownership or management.
- B. BTR communities shall only be permitted in zoning districts expressly identified in the UDC and shall be considered a special use ~~or conditional use~~ as specified therein.
- C. There shall be no exterior evidence that dwelling is build-to-rent.
- D. Parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas consistent with the provisions of this title. There shall be no parking on the street, on neighboring properties, in the yard, or in the

right-of-way. Required parking shall be accommodated within driveways, garages, or other residential structures such as carports. Surface parking lots may only be used for guest parking that exceeds the minimum number of spaces required per unit.

- E. The property owner or responsible property manager shall, at all times, maintain their contact information posted in a conspicuous location near the primary entrance to the home. Such contact information shall also be allowed to be posted in a conspicuous location at a centralized management office, community entrance, or other common location provided such posting clearly identifies all applicable units for which the information serves.
- F. Developments with more than 15 BTR units shall be required to maintain an on-site property management office or staff presence to respond to resident concerns and ensure compliance with maintenance standards, to operate at minimum during regular business hours (Monday through Friday, 9:00 AM to 5:00 PM). ~~However, information for an emergency contact shall be provided to assist during non-business hours.~~
- G. All BTR units shall comply with the City's architectural and site design requirements applicable to the underlying zoning district.
- H. Only one (1) build-to-rent unit shall be permitted per lot, as a permitted principal structure. No accessory structure shall be considered a build-to-rent unit.
- I. All BTR units shall comply with applicable building, fire, and life safety UDCs and shall be subject to inspection.
- J. All BTR Developments shall be registered with the City through a formal licensing process. This process shall include, but is not limited to, the following:
 - 1. The property owner or operator shall submit an application form provided by the City, which shall include the address listings of all BTR units, owner contact information, responsible property manager (if applicable), and proof of ownership or leasehold interest. If the owner or operator is a corporate or limited liability entity, the application shall also identify a registered agent residing in Henry County and affiliated with the company to receive official correspondence and notices of violation.
 - 2. BTR licenses shall be valid for a period of twelve (12) months from the date of issuance. License holders must submit a renewal application prior to expiration, along with any updated contact or operational information.
 - 3. A non-refundable application and renewal fee shall be paid at the time of submission, as established by the City's adopted fee schedule.
 - 4. BTR licenses are non-transferable and may not be reassigned to a new owner or operator without reapplication and approval.
 - 5. Failure to comply with applicable regulations, including but not limited to occupancy, safety, noise, or parking provisions, may result in the suspension or revocation of the BTR license.

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- K. All BTR Developments shall be required to obtain and maintain a valid business license in accordance with the City’s occupational tax regulations. This requirement is in addition to the BTR license and shall be renewed annually.
- L. All signage associated with Build-to-Rent developments shall comply with the standards for residential land uses established in [Chapter 6, Sign Standards](#), including but not limited to permitted monument, directional, informational, and temporary signage.

3.2.98 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.

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 any parcels zoned or used residentially	50 feet
Minimum road frontage	100 feet
Minimum road frontage	100 — et

D. Location Requirements.

- 1. No cemetery shall erect any structures nor conduct any activities within 75 feet of any one-hundred-year floodplain, [wetland](#), or state water.

2. No cemetery shall erect any structures nor conduct any activities within 150 feet of any water well, unless the well is not functional.
- E. **Mausoleums and Columbaria.** Mausoleums and columbaria may be located within the boundaries of approved cemeteries only. Mausoleums and columbaria shall have primarily brick or stone facades.
- F. No cemetery shall be established on any property that is not a lot of record.
- G. **Access.** The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, the site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.
- H. **Health Approval and Perpetual Care.**
1. All cemetery applicants 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. The City shall not approve any new cemetery absent Henry County Health Department approval.
 2. All cemetery applicants shall provide a perpetual care plan to the Community Development Department.

~~3.2.9 Centers for Manufacturing, Production, Processing, or Assembly~~

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3.2.10 Centers for Manufacturing, Production, Processing, or Assembly

- A. **Applicability.** This section sets forth specific site design standards required in addition to those of the zoning district in which the use is proposed, applicable to the following uses:
1. Asphalt and concrete batch plants;
 2. Central mixing plants for cement, mortar, and/or plaster; and
 3. Food processing plants.
- B. **Performance Standards.** No such facility shall generate vibrations or electromagnetic interference that are detectable on any adjacent properties that are not associated with the subject land use. The operation shall minimize disturbances and adverse impacts on surrounding properties using the best available technology. Applications shall demonstrate the methodology necessary to ensure that the operation of such facilities complies with all applicable federal, state, and local laws.
- C. Additional development standards for such uses are provided in the table below.

Development Feature	Standard
Minimum land area	2 acres

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Minimum building or structure setback from any parcels zoned or used residentially	100 feet
Minimum buffer width	40 feet
Loading docks	Screened from view of adjacent properties and the public right-of-way
Outdoor storage	Screened from view from adjacent properties and the public right-of-way. Setback a minimum of 200 feet from any parcels zoned or used residentially.
Refuse and solid waste containers	Enclosed, except for an access gate, and screened from view from adjacent properties and the public right-of-way

3.2.110 Commercial Greenhouses and Plant Nurseries

A. Commercial greenhouses and plant nurseries shall comply with the site design standards provided in the table below.

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 that screens them, up to a maximum height of eight (8) feet.
Minimum buffer width	25 feet

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3.2.121 Cottage Court Cluster Home Village Development

~~A.~~ A cottage court cluster development consists of a grouping of no fewer than four (4) and no more than 16 small attached or detached dwelling units oriented around a shared common open space and developed under a unified site design.

A. Applicability, Review, and Site Plan Requirements.

1. A Cottage Home Village Development shall be permitted only in the zoning districts identified in Table 3.1, B, Land Uses and shall comply with this Section, all applicable provisions of the UDC, and all applicable local, state, and federal laws.
2. Prior to issuance of any land disturbance permit, building permit, final plat approval, or certificate of occupancy, as applicable, the applicant shall obtain approval of a concept plan, site plan, preliminary plat, final plat, or other development approval required by the UDC.
3. The required site plan shall show, at a minimum, dwelling unit locations, setbacks, building separation, common open space, sidewalks and pedestrian connections, parking areas, refuse areas, utility layout, stormwater facilities, fire access, hydrant locations, landscaping, buffers, lighting, phasing, and proposed ownership and maintenance documents.
4. No Cottage Home shall be occupied until all required permits, inspections, utility connections, access improvements, and certificates of occupancy have been issued in accordance with applicable law.

B. Density and Development Standards.

1. All cottage home village developments shall satisfy the following site design requirements.

<u>Standard</u>	<u>Cottage Home</u>
<u>Floor Area</u>	<u>Not less than 1,000 square feet and not more than 1,250 square feet, excluding attached porches, garages, and accessory structures.</u>
<u>Building Code Treatment</u>	<u>Shall comply with the Georgia State Minimum Standard Residential Code as a conventional detached dwelling.</u>
<u>Minimum Porch Area</u>	<u>At least 60 square feet.</u>
<u>Common Open Space</u>	<u>At least 400 square feet per Cottage Home.</u>
<u>Parking</u>	<u>At least two (2) off-street parking spaces per Cottage Home, unless otherwise approved pursuant to the UDC.</u>

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- C. Size.** The development shall have a minimum site area of three (3) acres.

- D. Maximum Density.** The maximum residential density shall not exceed fifteen (15) dwelling units per gross acre.

- E. Development Size.** Cottage Home Village Developments shall consist of a minimum of six (6) dwelling units. The maximum number of dwelling units shall be determined by the permitted density and compliance with all applicable provisions of this UDC.

- F. Building Size Categories.** For purposes of this Section, a Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.

- G. Open Space.** A minimum of 30% of the tract shall be dedicated to common open space.

1. A minimum of 400 hundred square feet of common open space shall be provided for each Cottage Home.
2. Required common open space shall be usable, improved, and designed as a central organizing feature of the development. Required common open space shall not include private yards, parking areas, vehicular areas, drive aisles, required buffers, required setbacks, refuse areas, or utility areas. Stormwater facilities, wetlands, floodplains, steep slopes, and similar constrained areas shall not count toward required common open space unless improved as a functional amenity and expressly approved by the City.
3. At least fifty percent (50%) of the Cottage Homes shall be oriented toward the common open space, with the primary entrance or covered front porch facing the common open space.

4. Every Cottage Home shall be located within 100 hundred feet walking distance of the common open space.
5. The common open space shall be designed so that Cottage Homes abut at least two (2) sides of the common open space.
6. Common open space shall be maintained in a safe and attractive condition and shall remain available for the common use and enjoyment of the residents of the development.

H. Access, Emergency Services, and Private Drives.

1. All public streets, private streets, alleys, internal access drives, sidewalks, and pedestrian facilities shall be designed and constructed in accordance with applicable City standards, fire code requirements, and the approved site plan.
2. The development shall provide adequate emergency vehicle access, fire apparatus access roads, turnarounds, address visibility, hydrant locations, fire flow, and building separation as required by the Fire Marshal and applicable fire codes.
3. Private streets and internal access drives shall be subject to recorded maintenance obligations acceptable to the City prior to final plat approval or issuance of the first certificate of occupancy, whichever occurs first.

I. Landscaping.

1. Street trees, in accordance with Section 13.8.4, Street Trees, shall be planted along all public and private streets.
2. Shade trees shall be provided throughout the Village Center.
3. Parking courts shall include landscape islands.
4. Existing mature trees should be preserved where practicable.
5. Native and drought-tolerant landscaping is encouraged.
6. **Buffers Adjacent to Residential Communities.** Where a Cottage Home Village Development abuts an existing residential subdivision, single-family residential district, or other established residential community, a minimum twenty-five (25) foot landscaped buffer shall be provided along the shared property line. The buffer shall include an evergreen vegetative screen, supplemented as necessary with berms, decorative fencing, or walls, to provide year-round visual screening and compatibility with adjacent communities. Existing mature trees and natural vegetation within the buffer area shall be preserved to the greatest extent practicable and may count toward the required buffer when approved by the Director.
7. **Buffer Maintenance.** Required buffers shall be maintained in a healthy, orderly, and attractive condition by the homeowners' association, property owners' association, condominium association, or other entity responsible for common

area maintenance. Dead or diseased plant material shall be replaced within the next appropriate planting season, and no buildings, parking areas, drive aisles, stormwater facilities, refuse areas, or similar improvements shall be located within the required buffer except for approved pedestrian connections, utilities, fencing, walls, or landscaping improvements.

J. Parking Design.

1. A minimum of two (2) off-street parking spaces shall be provided for each Cottage Home, unless a different parking requirement, reduction, or shared parking arrangement is approved pursuant to the UDC.
2. All required off-street parking shall be located on the site of Cottage Home Village Development.
3. Parking may be provided within a garage, carport, parking court, parking structure, or as a surface parking area.
4. Surface parking areas shall be screened from public streets by one (1) or more of the following:
 - a. Building facades;
 - b. Garage doors;
 - c. Decorative fencing in combination with landscaping; or
 - d. Undisturbed landscaped buffers as approved by the Director.
5. Parking shall not be located within any required front yard.
6. Parking may be located between a principal structure and the rear property line or between a principal structure and an interior side property line, provided such side property line is not adjacent to a public street.
7. Large, uninterrupted surface parking areas are prohibited. Parking shall be arranged in small parking courts or other configurations that complement the pedestrian-oriented design of the development.

K. Setbacks.

1. Where a Cottage Home fronts a public street, the minimum front setback shall be fifteen (15) feet. Covered front porches may encroach into the required front setback by not more than seven (7) feet.
2. Where a Cottage Home fronts a private street or internal access drive, the minimum front setback shall be ten (10) feet. Covered front porches may encroach into the required front setback by not more than five (5) feet.
3. A minimum separation of ten (10) feet shall be maintained between all principal structures.

L. Lot Design.

1. Lot dimensions within a Cottage Home Village Development may be reduced below the minimum lot area, width, and depth otherwise required by the underlying zoning district, provided the development complies with all applicable requirements of this Section and the UDC.
2. A Cottage Home Village Development may be developed on individual fee-simple lots, condominium units, rental lots, or a single commonly owned parcel, provided that access, utilities, common open space, maintenance responsibilities, and legal ownership arrangements are shown on the approved plans and recorded documents.

M. Utilities.

1. All Cottage Homes shall be served by public water and sanitary sewer.
2. Utilities shall be installed underground where feasible.
3. Individual utility meters shall be provided for each dwelling unless otherwise approved.

N. Prohibited Uses.

1. The following shall not be permitted within a Cottage Home Village Development:
 - a. Recreational vehicles used as dwelling units.
 - b. Tiny Houses on Wheels.
 - c. Park model recreational vehicles.
 - d. Manufactured homes.
 - e. Mobile homes.
 - f. Shipping containers used as dwelling units.
 - g. Temporary structures intended for permanent residential occupancy.
 - h. Hotel, motel, campground, recreational vehicle park, transient lodging, or short-term rental use, unless such use is expressly authorized by a separate provision of the Code and approved by the City.

O. Accessory Structures, Storage, Phasing, and Certificates of Occupancy.

1. Accessory structures, detached storage buildings, bicycle storage, mail kiosks, carports, garages, community buildings, and similar improvements shall be shown on the approved site plan and shall comply with all applicable accessory structure, setback, building code, and design requirements.
2. Outdoor storage shall be prohibited except within approved enclosed structures or screened areas shown on the approved site plan. Storage of inoperable vehicles, construction materials, appliances, furniture, trash, or similar materials outside an enclosed structure is prohibited.

3. If a Cottage Home Village Development is constructed in phases, each phase shall provide proportional common open space, parking, sidewalks, utilities, stormwater facilities, fire access, landscaping, buffers, and amenities necessary to serve that phase, as determined by the City.
4. No certificate of occupancy shall be issued for any Cottage Home within a phase until required access, utilities, parking, sidewalks, fire protection, landscaping, buffers, common open space, and related common improvements serving that phase have been completed or guaranteed in a form acceptable to the City.

P. Additional Development Standards.

1. All required common open space, recreational amenities, private streets, sidewalks, and other common improvements shall be owned and maintained by a homeowners' association, property owners' association, condominium association, or other entity approved by the City. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, and maintenance of such common facilities.
2. Each Cottage Home shall be equipped with, or designed to accommodate, clothes washer and dryer facilities through either:
 - a. Individual washer and dryer connections within each dwelling unit; or
 - b. A centralized laundry facility available for the exclusive use of residents within the Cottage Home Village Development.
3. The use of permeable pavement, pervious parking areas, rain gardens, bioswales, and other low-impact development (LID) practices is encouraged to reduce stormwater runoff. All Cottage Home Village Developments shall comply with the applicable stormwater management requirements of the UDC and all other applicable local, state, and federal regulations.

Q. Design Standards.

1. **Building Orientation.** Cottage Homes shall be oriented toward a public street, private street, or common open space. Primary entrances shall not face parking areas unless no reasonable alternative exists due to site constraints.
2. **Covered Front Porch.** Each Cottage Home shall include a covered front porch with a minimum area of sixty (60) square feet. Covered front porches may encroach into required front setbacks as provided in this Section.
3. **Exterior Building Materials.** Exterior building materials shall consist of brick, natural stone, manufactured stone, fiber-cement siding, wood, engineered wood siding, or comparable residential-quality materials approved by the Director. Reflective metal siding exposed unfinished concrete masonry units, and corrugated metal panels shall be prohibited as primary exterior wall materials.

4. **Roof Design.** Roofs shall have a minimum pitch of 6:12 unless an alternative architectural design is approved by the Director. Flat roofs shall be prohibited except for architectural elements such as porches or accessory structures.
5. **Building Entrances.** The primary entrance of each Cottage Home shall be clearly defined through the use of porches, stoops, recessed entries, columns, or other architectural features.
6. **Mechanical Equipment.** Ground-mounted mechanical equipment, HVAC units, utility meters, and similar service equipment shall be screened from public view through landscaping, fencing, or architectural screening materials compatible with the principal structure.
7. **Refuse Collection.** Community refuse collection areas shall be enclosed on three (3) sides by masonry walls, decorative fencing, or comparable screening materials with an opaque gate.
8. **Lighting.** Exterior lighting shall be pedestrian-scaled and designed to minimize glare onto adjacent properties and public rights-of-way.
9. **Architectural Variety.** Building elevations, rooflines, colors, materials, and façade treatments shall incorporate variation throughout the development to avoid repetitive building designs. Adjacent Cottage Homes shall vary in at least three (3) of the following features: roof form or pitch, porch design, exterior wall material, trim details, window pattern, façade articulation, color palette, or front entry treatment.
10. **Front Elevations.** The front façade of each tiny home dwelling unit shall be composed of a minimum of 75% percent brick and/or stone, excluding windows, doors, and other architectural openings. The remaining portion of the façade may consist of complementary materials such as stucco, shake, or cementitious fiber cement siding.
11. **Water Table Requirement.** All side and rear elevations of cottage home dwelling units shall include a continuous masonry water table with a minimum height of four (4) feet measured from finished grade. The water table shall consist of brick or stone materials that are compatible with the primary materials used on the front façade and shall extend the full length of each side and rear elevation, except where interrupted by doors or other approved architectural features.
12. **Prohibited Materials.** Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all cottage home dwelling units, including gables and eaves, unless otherwise expressly permitted by this UDC.

R. Ownership and Maintenance.

1. **Common open space and common facilities shall be required for all Cottage Home Village Developments.**

2. Common open space and common facilities shall be owned and maintained by a homeowners' association, condominium association, property owners' association, or other legal entity approved by the City.
3. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, maintenance, and repair of all common open space, private streets, sidewalks, recreational amenities, stormwater facilities, utilities, and other commonly owned improvements.
4. The City may require performance guarantees, maintenance agreements, or other assurances authorized by law to ensure completion and long-term maintenance of required common improvements.

~~B. Open Space.~~

- ~~1. A centralized common area shall be required for each development.~~
- ~~2. The common open space shall contain a minimum area of 400 square feet per dwelling unit.~~
- ~~3. The common open space shall include at least two of the following features:~~
 - ~~a. Open lawns or fields;~~
 - ~~b. Plaza;~~
 - ~~c. Community garden;~~
 - ~~d. Community building or clubhouse;~~
 - ~~e. Playground; or~~
 - ~~f. Community gathering areas (e.g. fire pit, seating areas).~~
- ~~4. Common areas are to be maintained through the establishment of homeowners' association or comparable maintenance entity. Before approval is granted, the developer shall submit covenants, deeds, and homeowners' bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property.~~

~~C. Parking Design.~~

- ~~1. Surface parking areas shall be located to the side or rear of cottage court developments.~~
- ~~2. Parking shall not be located between dwelling units and the common open space.~~
- ~~3. Large uninterrupted parking lots shall be prohibited.~~

~~D. Pedestrian Access. Sidewalks and pedestrian paths a minimum of five (5) feet in width shall connect all units to parking areas, public sidewalks, mail facilities, and common open space.~~

~~E. Utilities. All dwelling units shall be connected to public water and sanitary sewer systems unless otherwise approved by the City and applicable health authorities.~~

~~F. Setbacks.~~

- ~~1. A front setback of not less than 50 feet in depth shall be provided between any house and an adjacent access roadway.~~
- ~~2. All homes shall maintain a minimum separation of 10 feet from other homes within the development.~~

~~G. Buffer. A buffer not less than 20 feet in depth shall be provided between any house and an adjacent residential zoned or used property.~~

~~H. Lot Design.~~

- ~~1. Each lot per dwelling unit shall contain a minimum of 900 square feet per dwelling unit.~~
- ~~2. The minimum width per lot shall be 18 feet.~~

- ~~3. The minimum depth per lot shall be 50 feet.~~
- ~~1. Building Design.~~
- ~~1. Dwelling units shall front onto the common open space whenever feasible.~~
- ~~2. Primary entrances shall be connected by pedestrian walkways a minimum of five (5) feet in width.~~
- ~~3. Exterior Materials. Exterior building materials shall consist of durable residential-quality materials including brick, stone, fiber cement siding, wood, or comparable materials. Reflective metal siding and exposed unfinished concrete block shall be prohibited as primary façade materials.~~
- ~~4. Height. Dwelling units shall not exceed 35 feet in height.~~
- ~~5. Elements. Houses and accessories/community buildings shall incorporate three of the following design features to provide visual relief:~~
- ~~a. Dormers;~~
- ~~b. Gables;~~
- ~~c. Pillars;~~
- ~~d. Posts;~~
- ~~e. Covered front porches;~~
- ~~f. Recessed entries; or~~
- ~~g. Cupola.~~

3.2.132 Data Centers

A. Data Centers shall comply with the site design standards provided in the table below

Development Feature	Standard
Minimum land area	20 acres
Open Space	30 percent
Minimum setbacks for all primary operational facilities and infrastructure, including data center buildings, electrical substations, emergency generators, and mechanical systems:	
From any public right-of-way	200 feet
Adjacent to a nonresidential use or district	100 feet
From any residential structure	1,320 feet

B. Accessory structures that do not generate noise or emissions may be allowed in a setback subject to City approval. No such structure may be located within a required buffer.

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- C. **Layout.** The layout and orientation of buildings and associated equipment must minimize visual impacts on surrounding properties.
- D. Principal building facades are subject to approval by the City and shall comply with the applicable design standards set forth in this UDC.
- E. Mechanical Equipment Screening. All exterior mechanical, electrical, and operational equipment associated with a data center, including but not limited to generators, cooling systems, substations, and rooftop equipment must be fully screened on all sides by an acoustical barrier designed to reduce noise impacts on adjacent properties. The design, materials, height, and effectiveness of acoustical barriers are subject to approval by the City.
- F. Lighting design must incorporate dark sky principles, fully shielded fixtures, and measures to prevent glare or light spillage onto adjacent properties. This includes all site lighting, including security lighting, building mounted lighting, and any perimeter illumination.
- G. **The following environmental performance standards must be met:**
 - 1. The maximum noise output at any property line adjacent to a residential district or use is 55 dBA between the hours of 7:00am to 8:00pm. At all other times the maximum noise output is 45 dBA.
 - a. Testing of generators or other equipment is only allowed during the hours of 10:00am to 5:00pm, Monday through Friday. Testing is not allowed on any holiday recognized by the City of Stockbridge.
 - 2. Open evaporative cooling systems are prohibited.
 - 3. Refrigerants for system cooling must meet minimum Global Warming Potential (GWP) requirements. Monitoring for refrigerant leakage and remediating impacts of leakage during operations is required.
 - 4. Building materials with low embodied carbon must be utilized.
 - 5. Stormwater management shall comply with all applicable City standards and incorporate best available and feasible practices, including green infrastructure and low impact development techniques, where practicable, to ensure post-development runoff meets or exceeds predevelopment conditions and minimizes downstream impacts.
- H. **Open Space Required.** All data centers must preserve at least 30% of the gross lot area as natural, undisturbed open space. Buffers, stormwater features, and passive recreation areas may be utilized to satisfy this requirement upon approval by the County.
- I. When a greenway trail has been planned by the City or County, it must be constructed on the site.

- J. Prior to the issuance of a land disturbance permit, a Development Agreement must be executed between the developer and the City. The agreement must, at a minimum, address the following:
1. Compliance with the maximum noise limits set forth in this section and the most current City of Stockbridge Noise Ordinance, including during normal operations and testing activities. On-site noise monitoring equipment must be installed and maintained as a part of the agreement.
 2. Power and energy efficiency reporting (PUE, ERE, WUE).
 3. The establishment of performance metrics to limit potable water consumption through the use of a closed loop or similar system designed to minimize consumption and eliminate continuous discharge or evaporative loss.
 4. Ongoing metering of energy and water usage and transparency of grid impact during operations.
 5. Decommissioning, change of use, and site restoration.
 6. Financial assurances such as performance bonds, security bonds, decommissioning bonds, or escrow accounts sufficient to ensure site restoration, infrastructure removal, environmental remediation, and long-term compliance with approved operational standards.
 7. Ongoing assessment of facility impact on surrounding air and water quality during operations, including transparency of results and effective remediation of negative impacts if identified.
 8. Emergency coordination with Fire, Public Safety, and utility providers.
 9. Environmental Impact Summary and Operations Management Plan, including a third-party environmental impact study evaluating air, water, noise, and operational impacts.
 10. Documentation of coordination with electric and water utility providers, including evaluation of infrastructure capacity, required upgrades, and cost allocation measures, demonstrating that project-related system improvements and service demands are borne by the applicant and not shifted to existing customers, with mitigation strategies incorporated into the Development Agreement.
 11. Emergency generator testing and operational protocols, including testing schedules, duration, and noise mitigation measures, to ensure minimal impact on surrounding properties.
 - ~~12. Contribute to development of inclusive, accessible, and mixed-use community surrounding the project via community benefits packaging infrastructure upgrades and reinvestment strategies.~~

~~13-12.~~ The use, storage, and management of batteries, fuels, backup power systems, or any hazardous materials associated with facility operations, including compliance with all Fire Marshal, EMA, and applicable life safety requirements.

~~14-13.~~ How the project will contribute to the development of an inclusive, accessible, and mixed-use community surrounding the project via community benefits packaging infrastructure upgrades and reinvestment strategies.

K. Relief from the standards of this Section may only be granted by the Mayor and City Council.

3.2.143 Drone Delivery Service

A. **Certifications and Requirements.** The Federal Aviation Administration (FAA) has exclusive jurisdiction over aviation safety and the efficient use of the national airspace, including the operation, flight paths, and altitude of unmanned aircraft systems (UAS), commonly referred to as drones. The city seeks to clarify the jurisdictional boundaries between federal and local authority regarding the operation of unmanned aircraft systems (UAS), specifically those used for commercial delivery services, and to ensure local regulations are consistent with federal law

1. All drone delivery services operating within the City of Stockbridge must comply with FAA regulations, including, but not limited to:
 - a. Part 107 of Title 14 of the UDC of Federal Regulations (CFR) governing commercial drone operations.
 - b. Remote identification requirements under Part 89.
 - c. Registration and marking requirements under Part 48.
 - d. Operational limitations such as maximum altitude, line-of-sight requirements, and restrictions on flying over people or moving vehicles.
 - e. All pilots must obtain and retain a remote pilot certification from the Federal Aviation Agency as required under 14 CFR part 61.

2. Drone delivery service is allowable by special administrative permit.

B. Use Standards for Commercial Drone Delivery Hub.

1. Commercial drone delivery hubs ~~may be permitted~~are allowed by special ~~administrative use~~ permit in the C-2, ~~C-3~~, LI, and HI districts when the requirements of this section are met.
2. ~~A The~~ commercial drone delivery hub ~~established as a primary use~~ shall be limited to no more than ~~ten thousand (10,000)~~10,000 square feet ~~in total floor area~~.
3. Commercial drone delivery hub may be ~~allowed permitted~~ as an accessory use, by special ~~use~~ permit, for food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, drug store, or warehouse/distribution center use in any district when the requirements of this section are met.

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- a. ~~A commercial drone delivery hub established as an accessory use shall be limited to. When a detached accessory building for a commercial drone hub is less than one hundred thousand (100,000) square feet is occupied or intended to be occupied for an accessory commercial drone delivery hub, the floor area is limited to~~ a maximum of ten percent (10%) of the total floor area of the building containing the primary use, ~~or 10,000 square feet, whichever is less.~~
4. The drone staging area must be designated on an approved site plan. As accessory use, the drone staging area is limited to ten percent (10%) of the total lot area. The drone staging area must not be placed:
 - a. Within any required building setbacks;
 - b. Within any required landscape edge;
 - c. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
 - d. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
5. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation. When a drone staging area is located on top of a building:
 - a. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements; and
 - b. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to ten (10) feet in height for a windsock may exceed the maximum height requirement; ~~and-~~
 - c. When located at grade, any goods, materials, containers, trailers, or other equipment must be screened. Landing pads are exempt from this screening requirement.
 - ~~d. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements.~~
- C. **Noise Restrictions.** The drone staging area for a commercial drone delivery hub shall not be located within ~~three hundred (300)~~ 300 feet of any property upon which a school, dwelling, retirement and supportive housing facility, or public park is located.
 1. ~~The drone staging area for a commercial drone delivery hub shall not be located within three hundred (300) feet of any property upon which a school, dwelling, retirement and supportive housing facility, or public park is located. The three-~~ hundred-foot buffer requirement may be reduced to ~~one hundred fifty (150)~~ 150 feet ~~should if~~ Mayor and Ceity eCouncil finds that issuance of the specific use

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permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

2. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a school, dwelling, retirement, and supportive housing facility use, or public park.

D. **Parking.**

1. In addition to the requirements of this Section, parking for drone delivery service uses shall comply with Chapter 5, Parking Requirements.
2. Loading spaces shall be provided for a commercial drone delivery hub. Loading spaces are not required for an accessory commercial drone delivery hub use.

E. **Security.**

1. The commercial drone hub at grade shall be enclosed with a fence consisting of masonry, decorative iron, or chain link that is coated with black vinyl.
2. The commercial drone hub shall ~~deploy-utilize a three-hundred-sixty~~360-degree ~~flock-security~~ camera ~~system~~, with twenty-four-hour monitoring. Such monitoring shall include continuous recording and/or twenty-four-hour active monitoring by personnel or other adequate monitoring service, as approved by Mayor and City Council.

- F. **Operating Hours.** Delivery operations shall be limited to the operating hours of the principal retail establishment from which deliveries are initiated. No drone delivery operations shall occur outside of the principal business's regular hours.

3.2.154 **Electrical Substations**

- A. All electrical substations shall be fully enclosed on all sides with a solid fence, equipped with a gate, or fully screened with a landscaped buffer that meets the standards listed in the table below and in accordance with Chapter 13, Buffers, Landscaping, and Tree Protection.

Development Feature	Standard
Minimum buffer width	25 feet
Minimum tree density	One (1) tree for each 25 linear feet of buffer
Minimum shrub density	One (1) large screening shrub for each eight (8) linear feet, plus continuous hedge consisting of double staggered rows of shrubs

3.2.165 **Electric Vehicle Charging Stations**

- A. Electric vehicle charging stations ~~may be~~are permitted ~~for-as an~~ accessory use in all zoning districts. A permit shall be required to install any electric vehicle charging

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stations, except for private charging facilities on parcels containing single-family residences that are intended for the residential occupants and not for profit.

~~B.~~ Electrical vehicle charging stations may collect fees for the use of an electric vehicle charging station made available to residents, employees, and visitors to the property.

~~B.~~

C. Residential developments which exceed 150 dwelling units shall provide at least one electric vehicle charging station (pedestal) spaces in accordance with Section 5.8.2, D.

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3.2.176 Emergency Response and Public Safety Facilities

A. All emergency response facilities shall comply with the following requirements.

Development Feature	Standard
Minimum setback from any parcels zoned or used residentially	100 feet
Minimum buffer width	20 feet when located adjacent to any parcels zoned or used residentially

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3.2.187 Fences and Walls

A. General standards for the installation and maintenance of fences and walls shall be satisfied as provided below.

1. In the event of a conflict between the contents of this section and any overlay district within the City, the stricter requirements shall control.
2. No privately-owned fence or wall shall be installed within any public street right-of-way or within any city-owned area.
3. No fence or wall shall block access to utility easements between lots.
4. No fence or wall shall be installed so that it obstructs the sight vision at any street intersection, or if it in any way creates a hazard to traffic.
5. No fence or wall shall be installed as to limit access to a property for emergency purposes.
6. 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 fenced property.
7. If a fence or wall is required by any governmental authority to provide for the safety and security of the residents of the City, that fence or wall 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.
8. It shall be the responsibility of the owner of the property on which a fence or wall is located to maintain that fence in good and proper repair so that at all

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times it presents a neat and orderly appearance to surrounding property owners and to the general public.

9. Any fence or wall that is damaged by accident or an act of God shall be properly repaired within ~~ninety (90)~~90 days of the date of damage. Fencing required for public safety purposes shall be repaired within ~~thirty (30)~~30 days of the date of damage.

B. Fence Design Standards.

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

1.

- ~~a.~~ In the event the fence is constructed of chain-link, all exposed metal parts must be vinyl-coated or painted.

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~~a.~~

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- ~~1-b.~~ Chain-link fences in residential zoning districts shall not be visible from any abutting right-of-way.

- ~~2.~~ No fence or portion of a fence shall exceed six (6) feet in height in a residential district.

2.

- ~~1-a.~~ Fences enclosing athletic courts and fields, such as basketball courts and tennis courts, shall not exceed 12 feet in height. This regulation shall control over conflicting fence height standards in this Section.

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- ~~B-3.~~ No fence that is installed in a residential front yard shall be greater than four (4) feet in height.

- ~~C-4.~~ No fence or portion of a fence shall exceed eight (8) feet in height in any commercial or industrial district except for the containment of swimming pools or athletic courts.

- ~~D-5.~~ Barbed wire, razor wire, concertina wire, and similar fencing materials and treatments shall be prohibited.

~~E-C.~~ **Temporary Fences.** The 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; and

D. Retaining Wall Design Standards.

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1. No retaining wall shall exceed 4 feet in height within 10 feet of a front property line.
2. Walls visible from an adjoining property shall be tiered so that no single tier is taller than 20 feet.
3. Retaining walls visible from the public right-of-way shall be faced with stone, brick, or textured cement masonry.

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~~F.E.~~ **Permit.** 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 chapter.
3. **Gates.** The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.

~~4.~~ Applications for fence permits shall be made upon forms provided by the Community Development Department. The following information shall be ~~be~~ provided with the application:

4.

~~a.~~ A site plan depicting:

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a.

i. Existing and proposed fences and walls;

ii. Existing structures;

iii. Easements; and

b. Required setback dimensions. Existing and proposed fences and walls;

c. Existing structures;

d. Easements; and

e. Required setback dimensions.

iv.

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b. Construction details of the proposed fence or wall with all appropriate dimensions ~~shall also be provided.~~

~~4.c.~~ Engineered stamped plans for retaining walls over four (4) in height.

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~~2.d.~~ 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 cross or overlap a property line.

~~3.e.~~ Other information that the Director may be required to show full compliance with this Chapter.

3.2.1918 Fueling Stations

- A. The contents of this subsection apply to all properties containing the sale of gasoline, diesel, or other vehicle fuels, except for electricity, as a business function.
- B. Fueling stations may function as primary land uses with one or more of the following accessory land uses present: retail sales of automotive accessories; sale of food and sundries; convenience store; inspection stations for emissions; or manual/hand car washes.
- C. No fueling station shall be located less than ~~eight hundred (800)~~800 feet from any other fueling station. This distance requirement shall be measured in a straight line from property line to property line of another existing fuel service station.
- D. Fueling stations, whether operated as a primary or accessory land use, shall abide by the following development requirements.

Development Feature	Standard
Minimum Setback:	
Minimum Setback: Separation of all fuel canopies or fuel islands from any parcels zoned or used residentially	40 feet
Site access	Access drives shall be a minimum of 20 feet from the intersection of street right-of-way lines
Minimum buffer width	25 feet when located adjacent to any parcels zoned or used residentially; said buffer shall include a solid wall or solid fence not less than six (6) feet in height

- E. A fueling station must be located on a property which has frontage on either a collector or an arterial road, as is classified by the Georgia Department of Transportation or the Henry County Department of Transportation.
- F. Nothing in this subsection shall be construed as to provide exemption or relief from any requirements of this UDC or any other local, state, or federal regulations.
- G. All buildings on any property containing a fueling station must have all facades consisting of primarily brick or stone.

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- H. All fueling stations must be accompanied by, or located on a parcel with, a building with a heated floor area of no less than ~~five thousand (5,000)~~5,000 square feet. This building shall contain at least two (2) suites.

3.2.2019 Funeral Homes, Mortuaries, and Crematoriums

- A. All funeral homes and mortuaries, with or without crematoriums, shall satisfy applicable assembly use restrictions and provide designated and adequate off-street vehicle queuing space pursuant to the facility capacity:
1. Facility containing less than 100 seats: Minimum one queuing area at least 100 feet in length.
 2. Facility containing between 100 and 200 seats: Minimum one queueing area at least 150 feet in length.
 3. Facility containing greater than 200 seats: No less than ten (10) linear feet of queueing area for every ten (10) seats, rounded up to the nearest ten linear feet. No queueing area less than 100 feet in length shall count towards satisfying this requirement. In no event shall greater than 500 linear feet of queuing area be required.

3.2.219 Golf Courses and Driving Ranges

- A. The following land uses shall be considered accessory to a golf course or driving range, provided they are secondary to the principal function of the property as a golf course or driving range:
1. A clubhouse, which may include the sale of sports equipment, golf accessories, and food and beverages.
 2. An equipment building for maintenance, minor repairs, and storage
- B. All golf courses shall be par three (3), executive, private, semi-private, or regulation.
- C. Site design standards for golf courses and driving ranges are provided in the table below.

Development Feature	Standard
Minimum site area	Three (3) acres
Minimum building/structure setback from any parcels zoned or used residentially	100 feet
Safety netting for driving ranges	Required on the entire perimeter of the playing area abutting public streets or any adjacent 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

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	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
Outdoor 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.

3.2.22~~1~~ Home Occupations

- A. **Exclusions.** The following uses are not considered home occupations and are not subject to the home occupation regulations of this section. Each use is allowed as indicated in the land use table and shall be subject to applicable use regulations outlined in this UDC.
1. Personal Care Homes.
 2. Day Care.
 3. Bed and Breakfast.
 4. Short-Term Rentals.
- B. **Prohibited Home Occupations.** The following uses are expressly prohibited as home occupations:
1. Any type of assembly, cleaning, maintenance, or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); and,
 2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; and,
 3. Vehicle sharing and rental services, including but not limited to the rental, lease, storage, staging, dispatch, pickup, or return of motor vehicles by persons not residing on the property, including peer-to-peer vehicle sharing or similar services; and,
 4. Equipment or supply rental businesses; and,
 5. Taxi, limo, van, or bus services; and,
 6. Tow truck services; and,
 7. Moto vehicle sales or rentals, remote; and
 8. Firearms sales establishment; and,

9. Eating or drinking places; and,
10. Funeral or interment services; and,
11. Animal care, grooming, or boarding businesses;
12. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
13. Family day care centers, as defined in this UDC.

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C. All home occupations shall be 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 a RR-1 zoning district. Only products that are produced or harvested 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-1 district.
5. Use of a dwelling for a home occupation shall not exceed twenty-five percent (25%) of the total heated floor area.
6. No interior or exterior alterations that are inconsistent with the residential use of the building shall be permitted.
7. No outdoor storage of materials to be used in connection with a home occupation is permitted, except in an RR-1 district, where outdoor storage is permitted behind the rear plane of the principal building. 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.
8. No accessory buildings shall be used in connection with the home occupation except for agricultural functions.
9. 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, beauty shops, barber shops, manicurists, and similar occupations shall be limited to two (2) clients at a time, subject to further restrictions for certain types of businesses.

- 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.
10. 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.
11. 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.
12. 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.
13. 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.

3.2.232 Hospitals

- A. Site design standards for hospitals are provided in [the](#) table below.

Development Feature	Standard
Minimum site area	Five (5) acres
Minimum setbacks, at side and rear property lines	50 feet
Emergency vehicle access	Shall not face residentially zoned properties

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3.2.243 Keeping or Raising of Livestock

- A. The keeping or raising of livestock shall not occur on any lot measuring less than three (3) acres.
- B. 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.

3.2.2~~54~~ Livestock Processing and Feedlots

- A. Livestock processing and feedlots shall meet applicable State and Federal standards for confinement feeding operations.
- B. A planted buffer no less than ~~one hundred (100)~~100 hundred feet in width is required at all side and rear property lines.

3.2.2~~65~~ Mines and Quarries

- A. 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 and require a special use permit, subject to the standards that are set forth in this section.
- B. 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, maintaining a minimum height of eight (8) feet.
- C. 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.
- D. 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.

3.2.2~~76~~ Nursing Homes, Assisted Living, and Hospice Care Facilities

- A. Prior to the establishment of a nursing home, assisted living, or hospice facility, the applicant shall complete the formal application process. Each 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 UDCs and regulations of the city.
- B. All application forms and information submitted to the State of Georgia Department of Community Health shall also be provided to the City at the time of application.
- C. The Director 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.
- D. If the Director determines that an application to operate the facility is in compliance with the applicable requirements, they 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.

- E. No permit for the operation of the facility shall be transferable.
- F. No nursing home, assisted living, or hospice facility shall be located within ~~one thousand (1,000)~~1,000 feet of any other facility of the same type. Distances shall be measured in a straight line from the closest property lines upon which each facility is located.
- G. All such facilities must provide at least ~~eighty (80)~~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.
- H. The site design standards presented in the table below are required for nursing homes, assisted living, and hospice care facilities.

Development Feature	Standard
Minimum site area	One (1) acre
Minimum setbacks at side and rear property lines	50 feet
Place of operation	Freestanding structure, or within a religious facility provided a special use permit has been obtained
Number of children or adults	Two (2) or more to be operational
Hours of operation	Required to be open for 24 hours (with 24-hour supervision required for all residents)
Minimum buffer width	50-foot planted buffers, when located adjacent to R1, R2, R3, CCR, MFR, and MHR <u>a residential zoning district</u>

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3.2.2~~87~~ Outdoor Storage

- A. The outdoor storage regulations of this section apply to the storage of goods, materials, and equipment as an accessory use to commercial or industrial use types, as identified on the land use table, when located outside of enclosed buildings, including but not limited to:
 - 1. Materials in boxes, in crates, or on pallets.
 - 2. The storage of vehicles and engine powered devices for greater than 24 continuous hours.
 - 3. Construction, landscaping, and contractor equipment.
 - 4. Fleet vehicles and moving vehicles.
 - 5. Construction and landscaping materials such as lumber, pipe, steel, dirt, mulch, recycled material, or similar items.
 - 6. Garbage, landscape waste, and rubbish.
- B. On lots in the ~~RR-1~~ district, accessory outdoor storage shall not occur on parcels less than two (2) acres in land area.

- C. Accessory outdoor storage shall not be located within any minimum required front yard and shall not extend closer to the front property line than the front plane of the principal building located on the subject property.
- D. Accessory outdoor storage areas shall be fully enclosed at minimum by a fence not less than six (6) feet in height containing opaque material to provide visual screening. Operable fleet vehicles do not require screening.
- E. Accessory outdoor storage shall not occur within any minimum required landscape strip or zoning buffer.
- F. The following principal land use types shall be exempt from the provisions of this section, provided they meet other applicable requirements of this Chapter:
 - 1. Bona fide car dealerships that are registered with the State.
 - 2. Junk yards and salvage yards.
 - 3. Truck staging facilities.
 - 4. Truck storage facilities.

3.2.298 Personal Care Homes, Group Homes, and Boarding Homes

- A. Each personal care home, boarding home, and group home shall be subject to the following requirements:
 - 1. All regulated facilities shall comply with State regulations, building UDCs, and life safety requirements, and acquire applicable State licenses, prior to operation.
 - 2. 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.
 - 3. All facilities must apply for and receive a city business license prior to operation.
 - 4. The following development requirements shall also be satisfied, outlined in the table below.

Development Feature	Standard
Minimum site area	Residential—1 acre Non-residential—30,000 square feet
Minimum distance from similar facility	1,500 feet
Fence requirement	In residential districts, properties must have a fenced rear yard

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3.2.3029 Places of Assembly

- A. Requirements Applicable to All Places of Assembly.

- 1. Facilities and structures considered to be places of assembly are provided in the land use table of this chapter.
- 2. All places of assembly designed to serve more than ~~fifty (50)~~50 persons at any given time (whether or not the place of assembly is actually occupied by more than fifty (50) persons), shall meet the following requirements:
 - a. Be located on a lot fronting an arterial or collector street; and
 - b. 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)~~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.
- 3. Outdoor amusement facilities, including but not limited to miniature golf, carnivals, and go-kart tracks, may include accessory land uses such as the sale of retail goods, food, and beverages. All retail and food and drink sale activities shall be contained within the facility and shall not be accessible to the general public, absent entrance into the facility.
- 4. **Master Site Plan Required.** A master site plan shall be provided to the Community Development Department prior to the issuance of any building or development permit for a place of assembly or its accessory land uses. At minimum, this plan shall identify/indicate the following:
 - a. The principal use and each accessory use that is proposed on the site.
 - b. 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.
 - c. A parking plan to show areas that are designated for overflow parking during times of extraordinary use (such as festival or holiday periods).
- 5. Nothing in this section shall be deemed to amend or otherwise alter any life safety UDC or any other provision of this UDC unless expressly provided for herein.

B. **Specific Site Design Requirements.** This subsection sets forth specific site design standards required in addition to those of the zoning district in which the use is proposed and those stated above, applicable to the places of assembly uses listed in the table below.

Place of Assembly: Outdoor Assembly Operations (to include fairgrounds, outdoor amusements, amphitheaters, civic centers, convention centers, rodeos, and outdoor armories)	
Development Feature	Standard
Minimum site area	Two (2) acres

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Minimum setbacks for buildings:	
Abutting any parcels zoned or used residentially	125 feet
Abutting all other parcels	75 feet
Minimum setback for outdoor stage or performance area:	
Abutting any parcels zoned or used residentially	600 feet
Abutting all other parcels	200 feet
Minimum setback for parking lots and access drives, when abutting any parcels zoned or used residentially:	200 feet
Parking lot design	Aisles may be paved; spaces may be paved, grass, dirt, or gravel
Minimum buffer	50 feet wide buffer as specified in this UDC, 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
Outdoor storage and loading areas	Screened from view from adjacent properties and from the public right-of-way and 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 and 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 and setback a minimum of 200 feet from all property lines
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties
Place of Assembly: Indoor Assembly Operations (to include convention center, civic centers, centers for performing arts, and indoor armories)	

Development Feature	Standard
Minimum site area	Five (5) acres
Minimum setback for buildings:	
Abutting any parcels zoned or used residentially	100 feet
Abutting all other parcels	50 feet
Minimum setback for parking lots and access drives, when abutting any parcels zoned or used residentially	100 feet
Access management traffic flow	Designed to avoid residential and local streets
Minimum buffer	25-foot-wide planted 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
Outdoor 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
Place of Assembly: Athletic Fields	
Development Feature	Standard
Minimum site area	Two (2) acres
Minimum road frontage	100 feet
Minimum buffers (sides and rear)	20-foot-wide planted buffer
Building and structure 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

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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
Place of Assembly: Place of Worship (On properties containing places of worship, 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 operate in accordance with all applicable local and state requirements/licensing. Additionally, accessory uses shall be subject to relevant specific use standards outlined in this chapter.)	
Development Feature	Standard
Minimum site area	Two (2) acres
Minimum buffers (sides and rear)	20-foot-wide planted buffer
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
Place of Assembly: Lodges and Event Facilities	
Development Feature	Standard
Minimum site area	Two (2) acres
Minimum lot width	200 feet
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

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3.2.310 Relocated Structures

- A. 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. For the purposes of this Section, a relocated dwelling shall be 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. All structure relocation proposals shall demonstrate compliance with the regulations of the zoning district they will be moved to prior to commencement of relocation activities.
- D. All structure relocation proposals shall obtain Henry County Health Department approval prior to commencement of relocation activities.
- E. No building permit application for a relocated structure shall be approved until a complete inspection of the structure is completed by the City. An application for a relocated structure inspection shall be completed on forms that are provided by the City prior to any request for inspection. The inspection shall determine compliance or the feasibility of the compliance to all existing building UDCs, development UDCs, and ordinances which have been adopted by the City. Depending upon the size, age, condition or design of the structure, additional assessments may be required by 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 City determines that compliance with existing UDCs 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 Director.
- F. 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 Director regarding the interior load-bearing walls, the owner shall remove one (1) 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.
- G. The inspection fee shall be as set forth in the fee schedule established by the City which shall be paid prior to any inspections.
- H. To ensure that the structure will meet all current building construction UDCs of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within six (6) 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.
- I. 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.

- J. 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.
- K. **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 UDCs.
- L. Route approval shall be required as provided below:
1. 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, description of the proposed route, and proof of sufficient insurance. Such approval and information must be on forms that are furnished by the Director.
 2. Prior to moving a pre-existing structure through the City to a location outside of the jurisdictional limits, 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. If a police escort is necessary, it must be prearranged with the police department no less than three (3) business days prior to moving a structure through the City of Stockbridge.
- M. 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.
- N. 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 required by this Section.
- O. The work that is authorized by any permit for a relocated structure must be completed in compliance with all UDCs 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)~~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

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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.

- P. The Director may issue a ~~ninety~~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 ninety-day extension may be issued following the first ninety-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 authorized by the Building Official. Permission for a greater extension of time may only be granted through a formal decision by The Mayor and City Council following completion of an application for an extension. 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 UDCs 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.

3.2.321 Roadside Produce Stands

- A. Roadside produce stands shall only sell -vegetables, fruit, produce, eggs, jams, jellies, and other agricultural products that are produced on the premises. Live poultry and livestock shall not be sold.
- B. Roadside produce stands shall meet the requirements provided below.

Development Feature	Standard
Maximum area	500 square feet of total produce stand floor area per property
Produce stand setback requirements	10 feet from rights-of-way; Minimum zoning district building setbacks shall be satisfied along all other property boundaries
Parking	Parking shall be provided out of the right-of-way; Parking areas shall be paved, gravel, or be of another dust-free surface
Outdoor storage	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

3.2.332 Salvage Yards and/or Junkyards

- A. Sanitary landfills shall not be permitted as part of a salvage yard or junkyard use.
- B. The site design standards for salvage yards and junkyards are set forth in the table below.

Development Feature	Standard
Minimum site area	Two (2) acres
Minimum setback from any abutting parcels zoned or used residentially	200 feet
Minimum setback from all other abutting parcels	100 feet
Screening required	Opaque wall or fence not less than 6 feet in height
Storage of salvaged or junk materials	Shall not exceed the height of the fence or wall
Planted buffers	40 feet wide along all property lines

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3.2.343 Schools, Academic, Public or Private

- A. Schools shall satisfy the site design standards presented in the table below.

Development Feature	Standard
Minimum site area	Three (3) acres
Minimum lot width	200 feet
Minimum planted buffers	20 feet wide or zoning district standards, whichever is greater
Outdoor recreation areas	Setback a minimum of 75 feet from any abutting parcels zoned or used residentially; Fully enclosed by a solid decorative fence, a minimum of four (4) 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 and separated from parking areas

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3.2.354 Self-Service Storage Facilities

- A. Self-service storage facilities are intended for the passive keeping of personal goods and items. No tenant, renter, lessee, or guest may conduct any of the following activities on facility grounds:
- 1. Retail sales.
 - 2. Manufacturing, fabrication, processing, and similar industrial activities.
 - 3. Repair services.
 - 4. Professional, vocational, academic, musical, or arts instruction or training.
 - 5. Establishment of an office or administrative facility.
 - 6. Storage of flammable liquids, highly combustible or explosive materials, or hazardous wastes or chemicals.
- B. All self-service storage facilities shall satisfy the following site design requirements.

Development Feature	Standard
Minimum site area	2.5 acres
Minimum lot width	100 feet
Minimum setbacks for buildings and outdoor storage areas:	
Front yard	75 feet
Side yard	25 feet
Rear yard	25 feet
Planted buffer requirements:	
Abutting any parcels zoned or used residentially	40 feet
Abutting any parcels zoned or used commercially	30 feet
Abutting any parcels zoned or used industrially	10 feet
Abutting all other parcels	15 feet
Abutting an Interstate highway	75 feet
Dumpsters and trash containers	Fully screened from view from residentially zoned properties and public right-of-way
Outdoor lighting where 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

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Loudspeakers and paging equipment	Prohibited
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C. **Security Personnel Residence.** One (1) security personnel residence may be established at the facility, pursuant to the following regulations:

1. The residence shall only be occupied by employees of the facility during their assigned times of duty.
2. The residence shall not be a full-time residence.
3. The residence shall be site-built and have an exterior construction of brick, stone stucco, fiber cement, or materials that match that of the surrounding facility.

D. All buildings and structures at self-service storage facility shall satisfy the following design standards:

Development Feature	Standard
Building separation (two 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	Four (4) feet by four (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

E. Self-service storage is permitted outside of enclosed building pursuant to the following requirements:

1. No vehicles, trailers, or shipping containers shall be stored except for boats on trailers and recreational vehicles.
2. No greater than ~~15% percent (15%)~~ of the site area shall be utilized for outdoor self-storage.
3. Such areas shall be enclosed by fences or walls that maintain heights no less than six (6) feet.

- a. Access points shall be gated and either be physically staffed or equipped with a functional keyless entry system.
 - b. The fence or wall shall consist of brick, stone, masonry, wood, chain link, or a similar decorative material.
 - c. If the facility at-large is fenced or walled to these requirements, no additional fences or walls shall be required.
- F. The interior of a self-service storage facility shall be designed to allow for the circulation of users and their vehicles pursuant to the following requirements.
 - 1. The minimum traffic lane width shall be ~~twenty-five (25)~~25 feet.
 - 2. There shall be no drive-aisles or parking areas located in any required buffer area or within the designated rights-of-way.
- G. A landscape strip no less than ten (10) feet in depth shall be established along all abutting rights-of-way and private streets.
 - 1. The strip shall feature intentional ground cover such as sod, grass, pine straw, or mulch.
 - 2. At least one (1) tree for every ~~twenty (2020)~~ linear feet shall be placed. No tree shall be planted less than ten (10) feet from another. All trees shall measure at least six (6) feet in height at the time of planting.
 - 3. At least one (1) shrub for every five (5) linear feet shall be placed. All shrubs shall measure at least two (2) feet in height at the time of planting and achieve a height of six (6) feet or greater within three (3) years of the planting date.
 - 4. The subject property owner shall be responsible for maintaining the health and viability of the landscape strip. The landscape strip may be combined with the planted buffer requirements of this section.
- H. No less than ~~fifteen percent (15%)~~15% of the self-service storage facility land area shall be occupied by the sum of the following features:
 - 1. Planted buffers.
 - 2. Landscape strips.
 - 3. Undisturbed tree stands.
 - 4. Other planted areas containing a mix of trees and shrubs.

3.2.365 Senior Adult Housing

- A. Senior adult housing must be designated age-restricted adult housing and shall satisfy the following requirements.
 - 1. Housing units located in RR1, NR2, and SR3 zoning districts shall be single-family detached dwellings.

2. Housing units located in all other zoning districts shall be single-family attached, duplex, triplex, quadplex, or multi-family dwellings.
 3. The development shall include a minimum of ~~twenty (20 20)~~ dwelling units.
 4. No less than ~~thirty-five percent (35%)~~35% of the gross site area shall be open space. The open space shall provide the following open space amenities pursuant to the number of dwelling units proposed.
 - a. Developments containing fewer than 50 units shall provide paved pedestrian paths totaling not less than 800 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least two (2) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths.
 - b. Developments containing 50 to 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,200 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least three (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 5,000 square feet.
 - c. Developments containing greater than 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,500 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least ~~three~~ (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 7,500 square feet.
- B. At least one (1) on-site community building or clubhouse shall be provided pursuant to the number of dwelling units proposed.:
1. **Less than 50 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,000 square feet.
 2. **50 to 120 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,500 square feet.
 3. **Greater than 120 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,500 square feet, in addition to ten (10) square feet of heated floor area per additional dwelling unit beyond 120.
- C. Within phased senior adult housing development, open space and resident amenity requirements shall be satisfied within each phase of development. The developer shall

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provide a development phase master plan prior to the approval of any land disturbance permit.

- D. Prior to land disturbance permit approval, 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.
- E. The following minimum dwelling unit floor area requirements shall be satisfied.
 - 1. No dwelling unit shall have a heated floor area less than ~~one thousand (1,000)~~ 1,000 square feet.
 - 2. ~~No less than~~ At least ~~seventy five percent (75%)~~ 75% of all dwelling units shall have a heated floor area ~~greater~~ less than 1,200 square feet.
- F. 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.
- G. Senior adult housing developments shall be designed for residents with physical disabilities and limitations. The minimum accessibility standards shall be satisfied
 - 1. "No-step" (maximum vertical floor level change of one-quarter ($\frac{1}{4}$) inch, except where a tapered threshold is used, which has a maximum height of one-half ($\frac{1}{2}$) 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 door not less than three (3) feet 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~~ 32 -inch clear width in the open position, ~~—~~ typically a ~~thirty-six~~ 36 -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 ($\frac{1}{4}$) inch, except where a tapered threshold is used, which has a maximum height of one-half ($\frac{1}{2}$) 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)~~30 inches by ~~forty-eight (48)~~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)~~30 inches by ~~forty-eight (48)~~48 inches. Clear floor space of ~~thirty (30)~~30 inches by ~~forty-eight (48)~~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)~~15 inches to a maximum of ~~forty-eight (48)~~48 inches above the floor. Such wall-mounted devices shall be of a contrasting color with the wall.
11. Accessible sidewalks shall be provided between parking areas and pedestrian entrances to dwelling units and all other buildings and structures in the development that may be accessed by residents. These routes shall be a minimum of five (5) feet wide, allowing mobility-enhancing devices to meet and pass safely.

3.2.376 Small Box Discount Stores

- A. So that small box discount stores shall not be highly concentrated, no such store may be established on a parcel within two (2) miles of any other parcel containing a small box discount store, measured as a straight line separating the nearest point of each lot.

~~1.~~—This proximity requirement shall be reduced to one (1) mile if the most proximate small box discount store or stores are located outside the jurisdictional limits of the City of Stockbridge.

1. 3.2.387 Solar Energy Systems

- A. Any Solar Energy System (SES) that, prior to the effective date of the ordinance from which this section is derived; 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 ~~ten percent (10%)~~10% after the effective date of the ordinance from which this section is derived.
- B. The following requirements apply to all Solar Energy System (SES) facilities:
 1. The maximum height of a ground mounted SES facility or parking lot solar canopy shall not exceed the maximum building height for accessory buildings and structures of the designated zoning district, or 20 feet, whichever is less.
 2. 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 UDC'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 pervious surface and into the subsoil.

3. Lighting fixtures at SES facilities shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way. Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.
4. A rooftop mounted SES shall not be located on the front slope of a pitched roof of the principal structure. The City may require sun and shadow diagrams specific to the installation to approve alternative placement.
5. **Buffers and Screening.** All ground-mounted, intermediate, and large-scale SES facilities shall be screened to create a visual buffer from neighboring parcels and rights-of-way. Buffers shall be undisturbed (natural) but may include fences and earthen berms, or other encroachment, where specified by this UDC. The existing natural tree growth and natural landforms along the facility perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.
6. **Decommissioning.** Decommissioning of a SES shall begin no later than ~~twelve (12)~~ 12 months after a facility has ceased to generate electricity or thermal energy. Within six (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.

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C. **Intermediate and Large-Scale SES.** The following requirements apply to Intermediate and Large-Scale Solar Energy Systems, in addition to the general requirements set forth in this section.

1. All buildings and structures at intermediate and large-scale SES facilities shall maintain setbacks of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.
2. Any intermediate scale SES facility shall be located no closer than ~~fifty (50)~~ 50 feet to any abutting parcels zoned or used residentially.
3. Any large-scale SES facility building or structure shall be located no closer than ~~one hundred (100)~~ 100 feet to any abutting parcels zoned or used residentially.
4. Intermediate and large-scale SES facilities shall display advisory signage to include the following information, at minimum:
 - a. A statement to the risks that may result from physical contact with, or entry into, the subject SES facility;

- b. The owner or operator of the subject SES facility; and
- c. A twenty-four-hour emergency contact phone number.

D. **Ground Mounted SES.** The following area requirements apply to all ground mounted SES facilities:

1. Within residential zoning districts, a ground-mounted solar energy system shall not exceed 25% ~~percent (25%)~~ of the footprint of the principal building served.
2. Within non-residential zoning districts, a ground-mounted solar energy system shall not exceed 50% ~~percent (50%)~~ of the footprint of the principal building served.
3. A ground mounted SES shall not be located within the required front yard of a lot, nor within a right-of-way, and should be located to prevent conflicts with utility areas or easements.
4. A ground mounted SES shall not be located over a septic system, leach field area, or identified reserve unless explicitly approved by the Health Department.

E. **Parking Lot Solar Carports**

1. Solar carports, or solar panels over parking lots, are typically an elevated structure with solar roofs over parking areas.
2. A solar carport shall maintain a setback of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.

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3.2.398 **Swimming Pools**

- A. Swimming pools are considered accessory structures and shall comply with all accessory structure regulations provided in this UDC, in addition to those dedicated specifically to swimming pools in this Section.
- B. Pool heaters and pumps shall not be located in a front yard and shall maintain a setback of at least ten (10) feet from all property lines.
- C. Swimming pools shall be entirely located behind the rear plane of the principal building, and minimum of ten (10) feet of separation from rear lot lines and ~~twelve (12)~~ 12 feet of separation from side lot lines, as measured from the outermost edge of the swimming pool or any associated deck or stairs.
- D. Pools shall be enclosed by a wall or fence of at least four (4) feet in height and comply with all applicable fence and wall regulations.
- E. Public, commercial, and resident amenity area swimming pools shall satisfy the additional following requirements:
 1. Such pools shall not be founded absent written approval from the Henry County Health Department.
 2. The pool area shall be enclosed by a security fence of not less than five (5) feet in height and feature decorative landscaping along the perimeter of the fence.

Shrubs or trees shall be planted along the perimeter of the fence at a maximum separation of ~~twenty (20)~~20 feet. Plantings shall be no less than two (2) feet tall at the time of installation.

3. Security fences shall be transparent and shall not obstruct the view of the pool from the outside.

~~4.~~ Swimming pools and associated structures shall comply with all setback requirements of the subject underlying zoning district.

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3.2.~~4039~~ Temporary Buildings and Structures

- A. Temporary buildings and structures, and the land uses contained therein shall be permitted during times when property is being developed. Temporary building and structures shall satisfy the following requirements.
- B. A building permit shall be required prior to temporary structure or building installation.
- C. Temporary buildings and structures installed on a site for multi-unit residential development shall be removed before ~~eighty percent (80%)~~80% of all lots are occupied by completed dwelling units, or within four (4) years of permit issuance for the subject building or structure, whichever occurs first. For all types of projects, if construction becomes inactive for ~~twelve (12)~~12 months, then any existing temporary units must be removed within the next ~~ninety (90)~~90 days.
 1. The Director may issue a one-time, one (1) year extension of completion time for cause beyond the original completion period upon written request by the owner which includes the reason for the request and an updated account of completed houses within the subdivision.
 2. Extension approval shall be substantiated, at least in part, by verification that all required erosion control measures are in place. Applicants shall apply for the one-time extension within ~~thirty (30)~~30 business days of the expiration date of the temporary structure permit. If granted, extensions shall be in writing and signed by the building official within ten (10) business days. Extension approvals may be subject to a renewal fee as established in the City fee schedule.
- D. 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)~~30 days of completion of the construction site for which they are permitted.
- E. Outdoor storage of equipment and construction materials shall be allowed on-site during the period of construction.
- 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 Certificate of Occupation (C.O.), or expiration of the building permit, whichever comes first. Temporary construction dumpsters shall not be required to be screened.

- G. A temporary sales or marketing office is permitted, subject to the requirements of this UDC. The office shall only be used 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.
- H. Temporary use of structures and equipment for the building of roads, public utilities, and government projects shall be permitted.

3.2.410 Tiny House Village Development

A. Purpose and Intent.

- 1. The purpose of this Section is to allow Tiny House Village Developments as compact, permanent residential neighborhoods consisting of detached dwellings arranged around common open space, pedestrian connections, and shared community amenities.
- 2. It is the intent of the City to promote housing variety, efficient use of land and public infrastructure, high-quality residential design, compatibility with surrounding neighborhoods, and safe long-term occupancy while avoiding adverse impacts on adjacent properties and public facilities.

B. Applicability, Review, and Site Plan Requirements.

- 1. A Tiny House Village Development shall be permitted only in the zoning districts identified in Table 3.1, B, Land Uses and shall comply with this Section, all applicable provisions of the UDC, and all applicable local, state, and federal laws.
- 2. Prior to issuance of any land disturbance permit, building permit, final plat approval, or certificate of occupancy, as applicable, the applicant shall obtain approval of a concept plan, site plan, preliminary plat, final plat, or other development approval required by the UDC.
- 3. The required site plan shall show, at a minimum, dwelling unit locations, setbacks, building separation, common open space, Village Center amenities, sidewalks and pedestrian connections, parking areas, refuse areas, utility layout, stormwater facilities, fire access, hydrant locations, landscaping, buffers, lighting, phasing, and proposed ownership and maintenance documents.
- 4. No Tiny House shall be occupied until all required permits, inspections, utility connections, access improvements, and certificates of occupancy have been issued in accordance with applicable law.

C. Density and Development Standards.

- 1. All tiny house village developments shall satisfy the following site design requirements.

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<u>Standard</u>	<u>Tiny House</u>	<u>Cottage Home</u>
<u>Floor Area</u>	<u>Not less than 450 square feet and not more than 600 square feet, excluding lofts, attached porches, garages, and accessory structures.</u>	<u>Not less than 1,000 square feet and not more than 1,250 square feet, excluding attached porches, garages, and accessory structures.</u>
<u>Building Code Treatment</u>	<u>Shall comply with applicable residential building code provisions for tiny houses, including any locally adopted tiny house appendix or alternative-materials approval accepted by the Building Official.</u>	<u>Shall comply with the Georgia State Minimum Standard Residential Code as a conventional detached dwelling.</u>
<u>Minimum Porch Area</u>	<u>At least 48 square feet.</u>	<u>At least 60 square feet.</u>
<u>Common Open Space</u>	<u>At least 300 square feet per Tiny House.</u>	<u>At least 400 square feet per Cottage Home.</u>
<u>Parking</u>	<u>At least one (1) off-street parking space per Tiny House, unless otherwise approved pursuant to the UDC.</u>	<u>At least two (2) off-street parking spaces per Cottage Home, unless otherwise approved pursuant to the UDC.</u>

A. A tiny home cluster development provides for the grouping of attached and detached tiny homes on lots that may be smaller than allowed in a zoning district, for the purpose of providing permanent common use of common space land, preservation of natural terrain features, and economy in the provision of public facilities and services.

D. **Size.** The development shall have a minimum site area of ~~five (5)~~ **three (3)** acres.

E. **Maximum Density.** The maximum residential density shall not exceed ~~fifteen (15)~~ dwelling units per gross acre.

F. **Development Size.** Tiny House and Cottage Home Village Developments shall consist of a minimum of ~~six (6)~~ dwelling units. The maximum number of dwelling units shall be determined by the permitted density and compliance with all applicable provisions of this UDC.

B-G. **Building Size Categories.** For purposes of this Section, a Tiny House shall contain not less than four hundred fifty (450) square feet and not more than six hundred (600) square feet of floor area, excluding lofts, attached porches, garages, and accessory structures. A Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.

G-H. **Open Space.** A minimum of 30% of the tract shall be dedicated to common open space.

1. A minimum of three hundred (300) square feet of common open space shall be provided for each Tiny House, and a minimum of four hundred (400) square feet of common open space shall be provided for each Cottage Home.

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2. Required common open space shall be usable, improved, and designed as a central organizing feature of the development. Required common open space shall not include private yards, parking areas, vehicular areas, drive aisles, required buffers, required setbacks, refuse areas, or utility areas. Stormwater facilities, wetlands, floodplains, steep slopes, and similar constrained areas shall not count toward required common open space unless improved as a functional amenity and expressly approved by the City.
3. At least fifty percent (50%) of the Tiny Houses and Cottage Homes shall be oriented toward the common open space, with the primary entrance or covered front porch facing the common open space.
4. Every Tiny House and Cottage Home shall be located within 100 hundred feet walking distance of the common open space.
5. The common open space shall be designed so that Tiny Houses or Cottage Homes abut at least two (2) sides of the common open space.
6. Common open space shall be maintained in a safe and attractive condition and shall remain available for the common use and enjoyment of the residents of the development.

I. Access, Emergency Services, and Private Drives.

1. All public streets, private streets, alleys, internal access drives, sidewalks, and pedestrian facilities shall be designed and constructed in accordance with applicable City standards, fire code requirements, and the approved site plan.
2. The development shall provide adequate emergency vehicle access, fire apparatus access roads, turnarounds, address visibility, hydrant locations, fire flow, and building separation as required by the Fire Marshal and applicable fire codes.
3. Private streets and internal access drives shall be subject to recorded maintenance obligations acceptable to the City prior to final plat approval or issuance of the first certificate of occupancy, whichever occurs first.

1. The common open space shall include at least two of the following features:

- a. Open lawns or fields;
- b. Plaza;
- c. Community garden;
- d. Community building or clubhouse;
- e. Playground; or
- f. Community gathering areas (e.g. fire pit, seating areas).

2. Common areas are to be maintained through the establishment of homeowners' association or comparable maintenance entity. Before approval is granted, the developer shall submit covenants, deeds, and homeowners' bylaws and other documents guaranteeing maintenance

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and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property.

D.J. Village Center.

1. Every Tiny House Village Development shall provide a centrally located Village Center.
2. The Village Center shall serve as the focal gathering space for the development.
3. The Village Center shall include not fewer than two (2) of the following:
 - a. Community lawn;
 - b. Pavilion;
 - c. Playground;
 - d. Community garden ;
 - e. Fire pit;
 - f. Picnic area;
 - g. Mail kiosk;
 - h. Clubhouse;
 - i. Dog park; or
 - j. Walking trail(s)
4. The Village Center shall be connected to every dwelling unit by a continuous ADA-accessible sidewalk network.

K. Landscaping.

1. Street trees, in accordance with Section 13.8.4, Street Trees, shall be planted along all public and private streets.
2. Shade trees shall be provided throughout the Village Center.
3. Parking courts shall include landscape islands.
4. Existing mature trees should be preserved where practicable.
5. Native and drought-tolerant landscaping is encouraged.
6. **Buffers Adjacent to Residential Communities.** Where a Tiny House Village Development abuts an existing residential subdivision, single-family residential district, or other established residential community, a minimum twenty-five (25) foot landscaped buffer shall be provided along the shared property line. The buffer shall include an evergreen vegetative screen, supplemented as necessary with berms, decorative fencing, or walls, to provide year-round visual screening and compatibility with adjacent communities. Existing mature trees and natural vegetation within the buffer area shall be preserved to the greatest extent

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practicable and may count toward the required buffer when approved by the Director.

7. **Buffer Maintenance.** Required buffers shall be maintained in a healthy, orderly, and attractive condition by the homeowners' association, property owners' association, condominium association, or other entity responsible for common area maintenance. Dead or diseased plant material shall be replaced within the next appropriate planting season, and no buildings, parking areas, drive aisles, stormwater facilities, refuse areas, or similar improvements shall be located within the required buffer except for approved pedestrian connections, utilities, fencing, walls, or landscaping improvements.

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- ~~1. A village center(s) shall be provided, and each village center shall be not less than 25,000 square feet in area. Village center(s) shall be counted toward the dedicated common open space. Required yards, any required buffers, parking and other paved surfaces, shall not count as part of a village center. In developments with only one village center, said village center shall be centrally located within the development and accessible by all residents/tenants. Village center(s) shall include landscaping, active and passive recreation features, and may include natural areas.~~
- ~~2. All houses shall be oriented to have clear views of and be connected to a village center by sidewalks. Where multiple village centers are provided, all shall be interconnected with a trail system in compliance with the ADA.~~
- ~~3. The village center(s) and other open space areas within the village(s) shall remain in private hands held in individual ownership by the owner of the village(s) or common ownership by the owners of the houses in the village(s). Restrictive covenants, declarations and restrictions running with the land shall provide for access across and permanent maintenance and protection of the village center(s), any associated common buildings and infrastructure.~~

E.L. Parking Design.

1. A minimum of one (1) off-street parking space shall be provided for each Tiny House, and a minimum of two (2) off-street parking spaces shall be provided for each Cottage Home, unless a different parking requirement, reduction, or shared parking arrangement is approved pursuant to the UDC.
2. All required off-street parking shall be located on the site of Tiny House Village Development.
3. Parking may be provided within a garage, carport, parking court, parking structure, or as a surface parking area.
4. Surface parking areas shall be screened from public streets by one (1) or more of the following:
 - a. Building facades;
 - b. Garage doors;

c. Decorative fencing in combination with landscaping; or

d. Undisturbed landscaped buffers as approved by the Director.

5. Parking shall not be located within any required front yard.

6. Parking may be located between a principal structure and the rear property line or between a principal structure and an interior side property line, provided such side property line is not adjacent to a public street.

7. Large, uninterrupted surface parking areas are prohibited. Parking shall be arranged in small parking courts or other configurations that complement the pedestrian-oriented design of the development.

1. Surface parking areas shall be located to the side or rear of tiny house village development.

2. Large uninterrupted parking lots shall be prohibited.

3.8. Parking areas shall not encroach into the village center.

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~~F. Utilities.~~ All dwelling units shall be connected to public water and sanitary sewer systems unless otherwise approved by the City and applicable health authorities.

~~G. Buffer.~~ A buffer not less than 20 feet in depth shall be provided between any house and an adjacent residential zoned or used property.

~~H.M.~~ **Setbacks.**

1. Where a Tiny House fronts a public street, the minimum front setback shall be fifteen (15) feet. Covered front porches may encroach into the required front setback by not more than seven (7) feet.

2. Where a Tiny House fronts a private street or internal access drive, the minimum front setback shall be ten (10) feet. Covered front porches may encroach into the required front setback by not more than five (5) feet.

3. A minimum separation of ten (10) feet shall be maintained between all principal structures.

1. A front setback of not less than 50 feet in depth shall be provided between any house and an adjacent access roadway.

2. All homes shall maintain a minimum separation of 10 feet from other homes within the development.

~~I.N.~~ **Lot Design.**

1. Lot dimensions within a Tiny House Village Development may be reduced below the minimum lot area, width, and depth otherwise required by the underlying zoning district, provided the development complies with all applicable requirements of this Section and the UDC.

2. A Tiny House Village Development may be developed on individual fee-simple lots, condominium units, rental lots, or a single commonly owned parcel,

provided that access, utilities, common open space, maintenance responsibilities, and legal ownership arrangements are shown on the approved plans and recorded documents.

O. Utilities.

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1. All Tiny Houses shall be served by public water and sanitary sewer.
2. Utilities shall be installed underground where feasible.
3. Individual utility meters shall be provided for each dwelling unless otherwise approved.

P. Prohibited Uses.

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1. The following shall not be permitted within a Tiny House Village Development:
 - a. Recreational vehicles used as dwelling units.
 - b. Tiny Houses on Wheels.
 - c. Park model recreational vehicles.
 - d. Manufactured homes.
 - e. Mobile homes.
 - f. Shipping containers used as dwelling units.
 - g. Temporary structures intended for permanent residential occupancy.
 - h. Hotel, motel, campground, recreational vehicle park, transient lodging, or short-term rental use, unless such use is expressly authorized by a separate provision of the Code and approved by the City.

Q. Accessory Structures, Storage, Phasing, and Certificates of Occupancy.

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1. Accessory structures, detached storage buildings, bicycle storage, mail kiosks, carports, garages, community buildings, and similar improvements shall be shown on the approved site plan and shall comply with all applicable accessory structure, setback, building code, and design requirements.
2. Outdoor storage shall be prohibited except within approved enclosed structures or screened areas shown on the approved site plan. Storage of inoperable vehicles, construction materials, appliances, furniture, trash, or similar materials outside an enclosed structure is prohibited.
3. If a Tiny House Village Development is constructed in phases, each phase shall provide proportional common open space, parking, sidewalks, utilities, stormwater facilities, fire access, landscaping, buffers, and amenities necessary to serve that phase, as determined by the City.
4. No certificate of occupancy shall be issued for any Tiny House within a phase until required access, utilities, parking, sidewalks, fire protection, landscaping,

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buffers, common open space, and related common improvements serving that phase have been completed or guaranteed in a form acceptable to the City.

1. Each lot per dwelling unit shall contain a minimum of 900 square feet per dwelling unit.
2. The minimum width per lot shall be 18 feet.
3. The minimum depth per lot shall be 50 feet.

R. Additional Development Standards.

1. All required common open space, recreational amenities, private streets, sidewalks, and other common improvements shall be owned and maintained by a homeowners' association, property owners' association, condominium association, or other entity approved by the City. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, and maintenance of such common facilities.
2. Each Tiny House shall be equipped with, or designed to accommodate, clothes washer and dryer facilities through either:
 - a. Individual washer and dryer connections within each dwelling unit; or
 - b. A centralized laundry facility available for the exclusive use of residents within the Tiny House Village Development.
3. The use of permeable pavement, pervious parking areas, rain gardens, bioswales, and other low-impact development (LID) practices is encouraged to reduce stormwater runoff. All Tiny House Village Developments shall comply with the applicable stormwater management requirements of the UDC and all other applicable local, state, and federal regulations.

S. Design Standards.

1. **Building Orientation.** Tiny Houses shall be oriented toward a public street, private street, Village Center, or common open space. Primary entrances shall not face parking areas unless no reasonable alternative exists due to site constraints.
2. **Covered Front Porch.** Each Tiny House shall include a covered front porch with a minimum area of forty-eight (48) square feet, and each Cottage Home shall include a covered front porch with a minimum area of sixty (60) square feet. Covered front porches may encroach into required front setbacks as provided in this Section.
3. **Exterior Building Materials.** Exterior building materials shall consist of brick, natural stone, manufactured stone, fiber-cement siding, wood, engineered wood siding, or comparable residential-quality materials approved by the Director.

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Reflective metal siding exposed unfinished concrete masonry units, and corrugated metal panels shall be prohibited as primary exterior wall materials.

4. **Roof Design.** Roofs shall have a minimum pitch of 6:12 unless an alternative architectural design is approved by the Director. Flat roofs shall be prohibited except for architectural elements such as porches or accessory structures.

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5. **Building Entrances.** The primary entrance of each Tiny House shall be clearly defined through the use of porches, stoops, recessed entries, columns, or other architectural features.

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6. **Mechanical Equipment.** Ground-mounted mechanical equipment, HVAC units, utility meters, and similar service equipment shall be screened from public view through landscaping, fencing, or architectural screening materials compatible with the principal structure.

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7. **Refuse Collection.** Community refuse collection areas shall be enclosed on three (3) sides by masonry walls, decorative fencing, or comparable screening materials with an opaque gate.

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8. **Lighting.** Exterior lighting shall be pedestrian-scaled and designed to minimize glare onto adjacent properties and public rights-of-way.

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9. **Architectural Variety.** Building elevations, rooflines, colors, materials, and façade treatments shall incorporate variation throughout the development to avoid repetitive building designs. Adjacent Tiny Houses shall vary in at least three (3) of the following features: roof form or pitch, porch design, exterior wall material, trim details, window pattern, façade articulation, color palette, or front entry treatment.

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10. **Front Elevations.** The front façade of each tiny home dwelling unit shall be composed of a minimum of 75% percent brick and/or stone, excluding windows, doors, and other architectural openings. The remaining portion of the façade may consist of complementary materials such as stucco, shake, or cementitious fiber cement siding.

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11. **Water Table Requirement.** All side and rear elevations of tiny home dwelling units shall include a continuous masonry water table with a minimum height of four (4) feet measured from finished grade. The water table shall consist of brick or stone materials that are compatible with the primary materials used on the front façade and shall extend the full length of each side and rear elevation, except where interrupted by doors or other approved architectural features.

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12. **Prohibited Materials.** Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all tiny home dwelling units, including gables and eaves, unless otherwise expressly permitted by this UDC.

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T. **Building Design, Ownership and Maintenance.**

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1. Common open space and common facilities shall be required for all Tiny House Village Developments.
2. Common open space and common facilities shall be owned and maintained by a homeowners' association, condominium association, property owners' association, or other legal entity approved by the City.
3. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, maintenance, and repair of all common open space, private streets, sidewalks, recreational amenities, stormwater facilities, utilities, and other commonly owned improvements.
4. The City may require performance guarantees, maintenance agreements, or other assurances authorized by law to ensure completion and long-term maintenance of required common improvements.
1. ~~Primary entrances shall be connected by pedestrian walkways a minimum of five (5) feet in width.~~
2. ~~All buildings within the village shall be oriented toward the village center unless an exception is granted to improve the site design.~~
3. ~~**Exterior Materials.** Exterior building materials shall consist of durable residential-quality materials including brick, stone, fiber cement siding, wood, or comparable materials. Reflective metal siding and exposed unfinished concrete block shall be prohibited as primary façade materials.~~
4. ~~**Height.** Dwelling units shall not exceed 35 feet in height.~~
5. ~~**Elements.** Houses and accessories/community buildings shall incorporate three of the following design features to provide visual relief:~~
 - a. ~~Dormers;~~
 - b. ~~Gables;~~
 - c. ~~Pillars;~~
 - d. ~~Posts;~~
 - e. ~~Covered front porches;~~
 - f. ~~Recessed entries; or~~
 - g. ~~Cupola.~~
6. ~~Tiny homes shall be placed on a permanent foundation.~~

3.2.41 Truck Stops

- A. ~~All activities at truck stops shall abide by the definition of "Truck stop" as provided in Chapter 12 of this UDC.~~
- B. ~~Dimensional standards for truck stops are indicated in the table below.~~

Development Feature	Standard
Minimum setbacks:	
Abutting any parcels zoned or used residentially	100 feet for buildings and structures, 60 feet for parking stalls and maneuvering areas.
Abutting all other parcels	50 feet for building and structures, 35 feet for parking stalls and maneuvering areas.
Buffer:	
Planted buffer	40 feet wide, in addition to an opaque wall or fence not less than 6 feet in height when adjacent to any parcels zoned or used residentially

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C. Prior to the issuance of any development permit, building permit, or zoning approval for a truck stop, a traffic impact study shall be conducted and completed by a professional engineer for the facility as proposed. All recommendations of the study shall be constructed and made active prior to business commencement of the facility. The study shall be no less than three (3) years old at the time of permit issuance.

D. Prior to the issuance of any development permit, building permit, or zoning approval for a truck stop, a site illumination plan shall be provided, demonstrating compliance with the following external illumination requirements.

1. All parking spaces and drive aisles within truck stops shall be illuminated to a level of no less than 1.0 foot-candles but not greater than 15.0 foot-candles.
2. All areas directly beneath the fueling canopies and within 15 linear feet of such areas shall be illuminated to a level of no less than 5.0 foot-candles but not greater than 30.0 foot-candles.
3. Lighting levels shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way.
4. Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.
5. No Lighting fixture shall measure greater than 35 feet in height.
6. All lighting fixtures used for external illumination shall be full cut-off devices with no upward directed light.

E. A landscape strip no less than five (5) feet in depth shall be established along all property boundaries.

1. The strip shall feature intentional ground cover such as sod, grass, pine straw, or mulch, in addition to at least one (1) shrub or tree for every ten (10) linear feet of boundary. No shrub or tree shall be planted less than five (5) feet from

~~another. All shrubs and trees shall measure at least two (2) feet in height at the time of planting and achieve a height of six (6) feet or greater within three (3) years of the planting date.~~

- ~~2. The subject property owner shall be responsible for maintaining the health and viability of the landscape strip. The landscape strip may be combined with the planted buffer requirements of this section.~~

~~F. Fueling activities shall not occur closer to the front property line than the front plane of the principal building.~~

~~G. Passenger vehicle fuel may be sold at truck stops pursuant to the following requirements:~~

- ~~1. Passenger vehicle fueling areas shall be served by exclusive designated driveways and drive aisles.~~

~~H. Entry and exit into truck stops shall abide by the following requirements:~~

- ~~1. No entry or exit point shall be established within 150 feet of any driveway or intersection on the same side of the subject roadway. This minimum requirement shall be reduced to 40 feet for entry and exit points exclusively designated for passenger vehicles.~~
- ~~2. Except for driveways exclusively designated for passenger vehicles, one-way driveways shall measure no less than 30 feet in width, and two-way driveways shall measure no less than 45 feet in width.~~
- ~~3. All access driveways shall have a throat no less than 75 feet in length. This area is intended to reduce stopped traffic on the frontage road and reduce vehicular conflicts at the subject access point. The throat area shall not have any turnoffs for driveways, drive aisles, or parking spaces.~~

~~I. A truck stop shall provide no less than (1) shower stall for every 15 truck parking spaces provided at the facility, excluding spaces at fuel dispensers. In no circumstance shall fewer than three (3) shower stalls be provided at any truck stop.~~

- ~~1. In the event of a conflict between the contents of this section and any national or international building or plumbing UDC adopted by the City, the adopted building or plumbing UDC shall control.~~

~~3.2.42 Truck Staging Facilities~~

- ~~A. All activities at truck staging facilities shall abide by the definition of "Truck staging facilities" as provided in Chapter 12 of this UDC.~~
- ~~B. Truck staging facilities, as defined by this UDC, are intended for the short-term parking and stopping of trucks that are serving the local area. These facilities are intended to provide designated areas for trucks to occupy, promoting the public welfare and safety by reducing instances of trucks parking in public rights-of-way and unauthorized or unlawful parking upon private properties.~~
- ~~C. Truck staging facilities shall satisfy setback and buffering requirements as follows:~~
 - ~~1. A planted buffer no less than 30 feet in width, in addition to an opaque wall or fence not less than 6 feet in height, shall be provided in all areas where a facility abuts parcels zoned or used residentially.~~
 - ~~2. All buildings, structures, parking spaces, and maneuvering areas shall maintain a minimum setback of 60 feet from any abutting parcels zoned or used residentially.~~
 - ~~3. All buildings, structures, parking spaces, and maneuvering areas shall maintain a minimum setback of 35 feet from any abutting non-residential parcels.~~
 - ~~D. A landscape strip no less than five (5) feet in depth shall be established along all property boundaries:~~
 - ~~1. The strip shall feature intentional ground cover such as sod, grass, pine straw, or mulch, in addition to at least one (1) shrub or tree for every ten (10) linear feet of boundary. No shrub or tree shall be planted less than five (5) feet from another. All shrubs and trees shall measure at least two (2) feet in height at the time of planting and achieve a height of six (6) feet or greater within three (3) years of the planting date.~~
 - ~~2. The subject property owner shall be responsible for maintaining the health and viability of the landscape strip. The landscape strip may be combined with the planted buffer requirements of this section.~~
- ~~E. Prior to the issuance of any development permit, building permit, or zoning approval for a truck staging facility, a traffic impact study shall be conducted and completed by a professional engineer for the facility as proposed. All recommendations of the study shall be constructed and made active prior to business commencement of the facility. The study shall be no less than three (3) years old at the time of permit issuance.~~
- ~~1. This requirement may not apply to facilities with a maximum capacity of fewer than twenty (20) trucks.~~

~~F. Prior to the issuance of any development permit, building permit, or zoning approval for a truck staging facility, a site illumination plan shall be provided, demonstrating compliance with the following external illumination requirements.~~

- ~~1. All parking spaces and drive aisles within truck stops shall be illuminated to a level of no less than 1.0 foot candles but not greater than 12.0 foot candles.~~
- ~~2. Lighting levels shall not exceed 3.0 foot candles at any property boundary abutting a right-of-way.~~
- ~~3. Lighting levels shall not exceed 0.5 foot candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot candles at any property boundary abutting a parcel not zoned or used residentially.~~
- ~~4. No Lighting fixture shall measure greater than 35 feet in height.~~
- ~~5. All lighting fixtures used for external illumination shall be full cut-off devices with no upward directed light.~~

~~G. Entry and exit into truck staging facilities shall abide by the following requirements:~~

- ~~1. No entry or exit point shall be established within 150 feet of any driveway or intersection on the same side of the subject roadway.~~
- ~~2. One-way driveways shall measure no less than 30 feet in width, and two-way driveways shall measure no less than 45 feet in width.~~

~~—3.2.43 Truck Storage Facilities~~

~~A. All activities at truck storage facilities shall abide by the definition of “Truck storage facility” as provided in Chapter 12 of this UDC.~~

~~B. Truck storage facilities shall satisfy setback and buffering requirements as follows:~~

- ~~1. A planted buffer no less than 30 feet in width shall be provided in all areas where a facility abuts parcels zoned or used residentially.~~
- ~~2. All buildings, structures, parking spaces, and maneuvering areas shall maintain a minimum setback of 50 feet from any abutting parcels zoned or used residentially.~~
- ~~3. All buildings, structures, parking spaces, and maneuvering areas shall maintain a minimum setback of 20 feet from any abutting non-residential parcels.~~

~~C. All portions of a truck storage facility containing buildings, structures, parking spaces, and other storage areas shall be secured by fences or walls that maintain heights no less than six (6) feet.~~

-
- ~~1.—A landscape strip no less than five (5) feet in depth shall be established alongside the walls or fences on all sides facing away from the facility:~~
 - ~~a.—The strip shall feature intentional ground cover such as sod, grass, pine straw, or mulch, in addition to at least one (1) shrub or tree for every ten (10) linear feet of wall or fence. No shrub or tree shall be planted less than five (5) feet from another. All shrubs and trees shall measure at least two (2) feet in height at the time of planting and achieve a height of six (6) feet or greater within three (3) years of the planting date.~~
 - ~~b.—The subject property owner shall be responsible for maintaining the health and viability of the landscape strip. The landscape strip may be combined with the planted buffer requirements of this section.~~
 - ~~2.—All vehicular access points shall be served by gates or barrier arms.~~
 - ~~3.—No access gate or barrier arm shall be closer than 75 feet from where the subject driveway meets the right-of-way line:~~
 - ~~a.—This requirement shall be waived if left-turn and right-turn deceleration lanes are added on the access road, each of which measure no less than 75 linear feet.~~
 - ~~4.—At least one (1) pedestrian access gate shall also be provided.~~
 - ~~5.—Additional access provisions may be required by the Fire Marshal or other safety officials.~~
 - ~~D.—Prior to the issuance of any development permit, building permit, or zoning approval for a truck storage facility, a site illumination plan shall be provided, demonstrating compliance with the following external illumination requirements:~~
 - ~~1.—All parking spaces and drive aisles within truck stops shall be illuminated to a level of no less than 0.5 foot-candles but not greater than 12.0 foot-candles.~~
 - ~~2.—Lighting levels shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way.~~
 - ~~3.—Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.~~
 - ~~4.—No lighting fixture shall measure greater than 35 feet in height.~~
 - ~~5.—All lighting fixtures used for external illumination shall be full cut-off devices with no upward directed light.~~
 - ~~E.—Entry and exit into truck storage facilities shall abide by the following requirements:~~
 - ~~1.—No entry or exit point shall be established within 75 feet of any driveway or intersection on the same side of the subject roadway.~~

2. ~~One-way driveways shall measure no less than 30 feet in width, and two-way driveways shall measure no less than 45 feet in width.~~

3.2.44 Senior Adult Housing

A. ~~Senior adult housing must be designated age-restricted adult housing and shall satisfy the following requirements.~~

1. ~~Housing units located in RR1, NR2, and SR3 zoning districts shall be single-family detached dwellings.~~
2. ~~Housing units located in all other zoning districts shall be single-family attached, duplex, triplex, quadplex, or multi-family dwellings.~~
3. ~~The development shall include a minimum of twenty (20) dwelling units.~~
4. ~~No less than thirty-five percent (35%) of the gross-site area shall be open-space. The open-space shall provide the following open-space amenities pursuant to the number of dwelling units proposed.~~
 - a. ~~Developments containing fewer than 50 units shall provide paved pedestrian paths totaling not less than 800 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least two (2) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths.~~
 - b. ~~Developments containing 50 to 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,200 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least three (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 5,000 square feet.~~
 - c. ~~Developments containing greater than 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,500 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least two (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 7,500 square feet.~~

B. ~~At least one (1) on-site community building or clubhouse shall be provided pursuant to the number of dwelling units proposed.:~~

1. ~~**Less than 50 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,000 square feet.~~

2. ~~50 to 120 dwelling units:~~ Minimum community building or clubhouse space heated floor area of 1,500 square feet.

3. ~~Greater than 120 dwelling units:~~ Minimum community building or clubhouse space heated floor area of 1,500 square feet, in addition to ten (10) square feet of heated floor area per additional dwelling unit beyond 120.

C. ~~Within phased senior adult housing development, open space and resident amenity requirements shall be satisfied within each phase of development. The developer shall provide a development phase master plan prior to the approval of any land disturbance permit.~~

D. ~~Prior to land disturbance permit approval, 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.~~

E. ~~The following minimum dwelling unit floor area requirements shall be satisfied.~~

1. ~~No dwelling unit shall have a heated floor area less than one thousand (1,000) square feet.~~

2. ~~No less than seventy-five percent (75%) of all dwelling units shall have a heated floor area less than 1,200 square feet.~~

F. ~~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.~~

G. ~~Senior adult housing developments shall be designed for residents with physical disabilities and limitations. The minimum accessibility standards shall be satisfied.~~

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 door not less than three (3) feet 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-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.~~
11. ~~Accessible sidewalks shall be provided between parking areas and pedestrian entrances to dwelling units and all other buildings and structures in the development that may be accessed by residents. These routes shall be a minimum of five (5) feet wide, allowing mobility-enhancing devices to meet and pass safely~~

3.2.4~~35~~ Wrecker Services

- A. Wrecker service facilities that do not include any outdoor storage or operations shall be exempt from the contents of this section.
- B. The site design standards for wrecker services are set forth in the table below.

Development Feature	Standard
Minimum site area	2 acres
Screening requirements	Opaque wall or fence not less than 6 feet in height
Outdoor storage placement	Outdoor storage areas shall not be established closer to the front property line than the front plane of the principal building

Minimum planted buffer	15 feet wide for any portion of property adjacent to industrial zoned property; 30 feet wide abutting all other properties
Storage of vehicles	Towed vehicles shall be stored within an enclosed, secure area which shall not be accessible to the public. No wrecked vehicles shall be stacked within the storage area. Storage of non-business-related vehicles is prohibited. Storage areas shall be paved or graveled, and all driveways, drive aisles, and parking spaces shall be paved.
Minimum heated floor area of office/primary structure	1,000 square feet.
Building materials	Masonry front facade
Off-Street parking requirements	All required off-street parking shall be located outside of any secured vehicle storage area.

CHAPTER 4: DEVELOPMENT STANDARDS

4.1 Purpose and Intent

- A. The purpose of this Chapter is to establish procedures and standards for the development and subdivision of land. This Chapter aims to achieve the following:
1. Orderly and harmonious growth and development of new and established neighborhoods.
 2. Distribute population and traffic in a manner that will mitigate congestion and overcrowding.
 3. Dedicate or reserve parks, squares, and recreational areas, accessible to all residents to serve as community focal points.
 4. Set standards for landscaping and detailing of the public domain of streets, parks, and squares to promote a pedestrian oriented atmosphere and civic awareness.
 5. Provide for pleasing visual environments to ensure public health, safety and the general welfare to residents and visits of the City.
 6. Ensure the proper location, bulk ,size, and scale of buildings and structures.

4.2 Applicability

- A. These regulations govern all property within the jurisdictional limits of Stockbridge.
- B. All new development within the jurisdiction of this UDC shall conform to the provisions of this Chapter.

- C. All redevelopment of, and alterations or additions to, existing buildings, structures, and sites within the jurisdiction of this UDC shall conform to the provisions of this Chapter, unless all of the following are true of the subject redevelopment or alteration:
1. The gross increase in heated floor area would not be greater than 25% compared to that at the time of request; ~~or,~~
 2. The total cost of the work does not exceed 50% of the ~~assessed property~~ value of ~~the property~~ compared to that at the time of the request.
- D. No construction or installation of improvements shall commence in a proposed development until the land disturbance permit has been approved and all applicable plats, construction plans, and specifications have been approved by the appropriate authorities.
- E. No building or other permits shall be issued for erection of a structure on any lot not of record until all requirements of this UDC have been met.

4.3 Site Design Standards

4.3.1 Dimensional Standard Compliance

- A. No greater than one (1) single-family dwelling unit may be constructed on any one parcel except as otherwise allowed in this UDC.
- B. Except as specifically provided in this UDC, no parcel of land existing at the time of adoption of this UDC shall be reduced, subdivided, or otherwise altered to produce a parcel 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.

4.3.2 Encroachments

- A. The height limitations of this UDC, as imposed at the zoning district level, shall not apply to spires or other such structures, belfries, flagpoles, monuments, cupolas, domes, water towers, transmission towers, telecommunications towers, or other ornamental towers not intended for human occupancy.
- B. Nothing in this subsection shall preclude any height or dimensional requirement specific to any structure or feature type as provided in this UDC.
- C. Architectural features such as cornices, eaves, steps, landings, gutters, and fire escapes may encroach into a minimum required setback by no greater than three (3) feet, except where such projections would obstruct driveways, sidewalks, or access areas for emergency vehicles.

4.3.3 Open Space Requirements

- A. All developments with a cumulative parcel area greater than three (3) acres, ~~except for those in the DT, MHR, MUS, MU, and MFR zoning districts shall provide open space,~~ subject to the following requirements:

Commented [DS58]: A public comment stated the older businesses that are not in the downtown should be required to improve their facades. The international property maintenance code requires maintenance of buildings; nonconforming structures/uses also would require bringing anything into compliance. Some other ideas are unfit buildings and structures (city of cleveland, GA) example which is targeted towards blight properties. Vacant building registries. None of these require compliance with new code if the property is simply dilapidated, that really falls more under property maintenance requirements

Commented [EM59]: Discuss how value is calculated (GL) – as evaluated by the tax accessor

Commented [DS60]: The existing UDC requires developments over five acres to provide public space equal to 1% of total proposed floor area. This requirement has been removed from proposed §4.3.3. Please confirm whether public-space requirements are addressed elsewhere or whether their removal is intentional. Please confirm the rationale for exempting DT, MHR, MUS, MU, and MFR from §4.3.3. Consider whether equivalent or greater open-space requirements are established within the applicable district standards so that these exemptions do not create unintended gaps. [GL]

Commented [DS61R60]: We can go back to the 1 to 1 ratio however 30 homes at 1500 square feet would be 45,000 square feet. This would be 450 square feet of open space required. This seems low

Commented [DS62R60]: MHR requires 15% in Table 2.5.5, MUS requires 20%, MU requires 10%. These would be subject to the open space definition versus this section.

1. ~~A minimum of 15% of the total development land area shall be devoted to open space.~~ Open spaces that are located within minimum required zoning buffers, stormwater management areas, or other areas that do not definitionally qualify as open space shall not count towards satisfying this requirement.
2. Amenity Package Requirements found in Section 4.3.4, Amenity Package Requirements may be counted towards meeting the open space requirement.
3. All minimum required open space shall consist of one or more of the following features:
 - a. Active Recreation (e.g. playground, athletic courts, swimming pool).
 - b. Open lawns or fields.
 - c. Pedestrian paths or multi-use trails. Required sidewalk, bicycle facilities, multi-use paths greenways, trail connections, or public utility connections shall not count towards the minimum open space requirement. Extensions that are not part of an adopted plan or required public utility shall count towards the minimum open space requirement.
 - d. Passive landscaped open space (e.g. nature trails, natural buffers).
4. Open spaces shall be reasonably accessible to foot traffic.
5. If the associated development contains any residential dwelling units, no less than 50% of the minimum required open space shall be designed for active recreation and use.
6. Open space shall be protected in perpetuity by a binding legal instrument, as provided in Section 14.10, Requirements Regarding Ownership and Management of Open Space.

4.3.4 Amenity Package Requirements

- A. Table 4.3.4, Amenity Package Requirements provides a summary of amenity requirements depending on the number of lots within the subdivision or units within a development.

Table 4.3.4 – Amenity Package Requirements			
Size	Amenity Size	Primary	Additional Amenities
<u>0 to 99 lots</u>		<u>Pocket Park(s). This can be divided between multiple parks to be a combined total of a minimum of 1,500 sq. ft. in size; and</u>	<u>At least one (1) from Section 4.3.4, B</u>

Commented [EM63]: Discuss open space & active requirements (GL):

Please clarify how the requirement that at least 50% of required open space in residential developments be designed for active recreation will apply to smaller developments and development types where passive open space or natural-resource preservation may be more appropriate.

Commented [DS64R63]: The definition of open space is broken down into 5 categories including recreation or active uses (category B and C). We are requiring that at least 50% of the open space be category B or C . Previously the requirement was an area equal to 1% of the total floor are proposed for the development should be public space. We can build in an alternative director approval?

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Commented [EM65]: Could rename these to primary and secondary amenities; to further distinguish between them.

		<u>Dog park or walking trails a minimum of 1,500 sq. ft in size</u>	
100 to 149 lots or units	Min. 2,000 sq. ft.	Pocket Park(s). <u>This can be divided between multiple parks to be a combined total of a minimum of 2,500 sq. ft. in size; and Dog park or walking trails a minimum of 2,500 sq. ft in size</u>	At least two (2) from Section 4.3.4, B
150 to 299 lots or units	Min. 2,000 sq. ft.	<u>A Clubhouse a minimum of 4,000 sq. ft in size</u>	At least three (3) from Section 4.3.4, B
300 or more lots or units	Min. 2,000 sq. ft.	<u>Community Pool, Clubhouse, and Pocket Park(s) to be a combined total of 4,500 sq. ft in size</u>	At least two (2) from Section 4.3.4, B
<u>Non-residential or Mixed-Use (40,000 square feet gross floor area or more)</u>		<u>Central green or gathering area a minimum of 2,500 sq. ft in size; Walking Trails</u>	

Commented [EM66]: Discuss providing amenity package requirements for smaller developments (GL):

Please confirm that developments containing fewer than 100 lots or units are intentionally exempt from the Amenity Package Requirements, regardless of total development acreage.

Commented [DS67R66]: This is the current requirement. If we want to do a requirement for 0 - 100. Then I would think that would require at a minimum a pocket park and 1 additional amenity.

B. Additional Amenities Required :In addition to those minimum amenities required by Table 4.3.4, —Amenity Package Requirements, any additional amenities required shall be selected from the following options:

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1. Athletic courts (Any combination of tennis, basketball, volleyball, or pickleball courts);
2. Community garden and reflection aArea;
3. Community pool;
4. Dog park;
5. Fire pit and gathering area;
6. Fitness center;
7. Picnic area with grill and covered pavilion;
8. Playground;
9. Walking trail(s);

10. Any other amenity as approved by the Director.

4.3.5 Outdoor Lighting Standards

- A. **Purpose and Intent.** The intent of this UDC is to preserve, protect and enhance the lawful nighttime use and enjoyment of all property through use of appropriate lighting practices and systems, while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.
- B. **Applicability.** Outdoor lighting installed within the City shall be in conformance with the requirements established by this Section.
- C. **Exemptions.** The following shall be exempt from the provisions of this Section:

1. All temporary emergency lighting needed by police or fire departments or other emergency services;
2. All hazard warning luminaires required by federal regulatory agencies;
3. All vehicular luminaires;
4. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels;
5. Holiday decorations;
6. Signs;
7. Street lights;
8. Aesthetic lighting limited to interior roadway lighting with a maximum height of two (2) feet within a development, not intended to take the place of required street lighting, or lighting to be utilized within open space used to feature decorative plantings, sidewalks, walkways, or ornamental objects, such as fountains or similar features. Aesthetic lighting, although exempt from an iso footcandle plan, shall be identified on all design plans as to type of light and location to ensure appropriate use of aesthetic lighting in accordance with this Section.

D. **Outdoor Lighting Regulations.**

1. All outdoor lighting shall be installed in a way that does not cast light upon or adversely affects adjacent properties or roadways. This shall not apply to lighting established by governmental authority within public rights-of-way.
2. **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.
3. Lighting fixtures 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.
 - a. The Director may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the

Commented [DS68]: Please review the revised exemption list and confirm that the removal of existing exemptions for athletic fields, swimming pools, temporary construction lighting, agricultural lighting, motion-sensor lighting, and shielded pedestrian walkway lighting is intentional. Consider whether any of these uses require separate lighting standards due to their operational characteristics. [GL]

aesthetics of the site and would not cause greater off-site glare or light pollution

4. Intensity Specifications.

- a. Lighting intensity within a site shall not exceed ten (10) foot-candles at any one point; however, the Director may permit a maximum intensity of 20 foot-candles provided that such lighting is otherwise in compliance with this ordinance. ~~and~~
- ~~a-b.~~ Lighting intensity within a site levels do not shall not exceed 1.0 foot-candle at any property line abutting a parcel zoned or used non-residentially or adjacent to rights-of-way. Where the site abuts a parcel zoned or used residentially, lighting levels shall not exceed 0.5 foot-candles.
- ~~b-c.~~ Wall-mounted lights shall be cut-off, and directed downward with a maximum output of ~~four hundred (400)~~ 400 hundred watts per fixture.

E. Additional Requirements by Type.

1. Security Lighting.

- a. Security lighting shall be directed towards the targeted area and shall not be on poles taller than 25 feet.
- b. Security lighting shall be maintained in such a manner as to prevent glare and lighting into properties of others or into a public right-of-way, and the system also shall be designed and maintained so that lights are not activated by activity off of the subject property.

2. Outdoor Recreational Facilities.

- a. Illumination shall be provided by full cutoff luminaires, except for large areas, where luminaire supports inside the areas would restrict the function or compromise safety. Examples of such large areas include, but are not limited to, baseball, softball, soccer, football, and golf driving ranges. Shielded floodlights shall be used for these areas. Smaller areas, including tennis, volleyball, racquetball and handball courts, and swimming pools shall utilize full cutoff luminaires and shall conform to the requirements of this ordinance regarding light trespass. The average illuminance on ground shall not exceed 50 footcandles.

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3. Landscape, Decorative, and Architectural Lighting

- a. Luminaires used to illuminate flags, statues, steeples, monuments, and other tall narrow objects shall be illuminated with the type of luminaire that directs the narrowest beam capable of illuminating the object. Illuminance at the level of the illuminated object shall not exceed 10 footcandles.

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b. Lighting on buildings for aesthetic purposes shall be directed downward from the top. Exception: selected portions of a building may be illuminated from below, if the portions illuminated total less than half of the vertical face. The average illuminance shall not exceed 10 footcandles.

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2-c. All outside illumination of any building and/or surrounding landscape, public or private, for esthetic, architectural, or decorative purposes is prohibited after 11:00 P. M. or when the business closes, whichever is later.

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F. **Plans Required.** Prior to the issuance of a land disturbance permit or building permit for a project that involves the installation of outdoor lighting, a photometric illumination plan shall be provided by the applicant. The plan shall include the following information:

1. Location, type and height of all proposed light fixtures.
2. Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site, measured in foot-candles. This plan shall demonstrate compliance with the lighting regulations of this UDC.
3. Specifications and details for the fixture type being proposed, including the total lumen output, type of lamp and method of shielding.
4. Any other information deemed necessary by the Director.

4.3.6 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.

4.3.7 Encroachment on Public Rights-of-Way

- A. No building, structure, fence, service area, parking facility/area, loading area, except driveways and permitted utilities 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.

4.3.8 Posting of Addresses

- A. Each dwelling unit and place of business shall have light-reflective numbers of the address posted and maintained in a prominent place on the property visible from the street providing public access.
- B. The numbers shall be at least three (3) inches in height with a contrasting background.

4.3.9 Dumpsters and Service Areas

- A. This section shall not apply to community or public recycling bins or drop boxes; however, the location shall be determined by the Director in accordance with the standards herein.

B. **Utility Service Areas**

1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the view from adjacent property or street (not including an alley).
2. Screening shall consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material, and color.
3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.
4. ~~Screening is not required for utility service areas located more than 50 feet from a street.~~

C. **Dumpsters**

1. **Screening.**

- a. All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said area with an enclosure of a minimum of eight (8) foot high, or two (2) feet taller than the highest point of the waste/grease container, compactor, or dumpster, whichever is greater, of solid masonry or decorative precast concrete walls. Fats, oils, and grease receptacles shall be provided within the enclosure.
- b. Bollards are required at the front of the enclosure walls to protect the enclosure from trash collection vehicles.
- c. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque, have self-latching mechanisms, be of colors consistent with the principal building, and be constructed of opaque metal. Chain link gates with or without opaque slats are not permitted.
- d. Where dumpsters are adjacent to parking areas, a three (3) foot landscaped buffer shall be provided that does not impede access into and out of vehicles.

2. **Location.**

- a. The dumpster shall be located to the side or rear of buildings and oriented away from view from the street (not including an alley).
- b. The consolidation of trash areas between buildings is encouraged.

Commented [EM69]: Discuss blanket screening requirement for utility service areas regardless of distance (GL)

- c. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over any street, sidewalk, alley, or interrupt parking lot circulation.
- d. Access to dumpsters shall be provided via a paved, dust-free surface.

3. The use of modern disposal and recycling techniques is encouraged.

4.3.10 Streetscape Standards

- A. **Applicability.** This Section shall apply to all parcels of land abutting any of the roadways known as 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 a higher order. All property contained within any parcel subject to this Section on the effective date 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 Standards.** The streetscape along the major ~~highways-arterial and collector roads~~ 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)~~20 feet wide. The building frontage zone shall be provided between the edge of the pedestrian travel zone and the front façade of the adjacent building. The building frontage zone may be located within the public right-of-way as approved by the Director of Public Works or on private property
 - 2. Pedestrian travel zones shall be a minimum of ten (10) feet wide, measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works, 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. The fixtures/planting zone shall be provided between the back of curb and pedestrian travel zone and located within the public right-of-way or as approved by the Director of Public Works.
Within the fixtures/planting zone:
 - a. Shall contain street trees planted in accordance with Section 13.84-7.4, Street Trees.
 - b. Pedestrian scale street light fixtures shall be installed, and spaced between 40 and 60 feet apart. If a driveway or similar access drive would exists between two fixtures, with a pavement width greater than 30 feet as measured at the right-of-way line, the maximum distance between the lighting fixtures on each side shall be increased to 80 feet.

-
- c. Benches shall be required at all locations where the abutting parcel is zoned or used commercially. Benches shall be spaced no greater than 500 feet apart.
 - d. At least one (1) trash receptacle shall be placed at each street intersection, and along roadways, as to be spaced no greater than 500 feet apart.
 - e. Bicycle racks, each with the capacity to secure at least two (2) bicycles, shall be required at all locations where the abutting parcel is zoned or used commercially or for multi-family residential. Racks shall be spaced no greater than 500 feet apart.

4.3.11 Access Management and Connectivity.

- A. **Purpose.** The purpose of this Section is to set standards for the provision of access to development in a manner that preserves the safety and efficiency of the transportation system. The management of access is a means by which substantial public investment in the transportation system can be protected and the need for remedial measures eliminated or reduced.

- B. **Access Management.**

- 1. All developments shall have access to a public right-of-way.
- 2. 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.
- 3. All residential lots in a subdivision shall only take direct access from within the subdivision.
- 4. Any access to a State highway shall be consistent with the requirements of the GDOT.
- 5. All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- 6. Along thoroughfares, arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location. The Director may require the submission of a traffic analysis based on the scale and scope of the project to determine required improvements.
- 7. 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 Chapter 16, Infrastructure Improvements.
- 8. Access points, whether private commercial/industrial drives or city or county roadways, shall line up directly across from one another when possible.

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C. Number of Access Points.

1. In order to ensure emergency vehicle access, every subdivision with more than ~~20~~~~fifty (50)~~ lots shall have at least two (2) continuously open points of ingress/egress from the existing street system.
 - a. Where a subdivision is providing two (2) or more connections to the existing street system, 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
 - b. A subdivision on a single, dead-end street, containing ~~twenty (20)~~20 or fewer lots shall not be required to provide two (2) points of ingress/egress. Such streets must be designed to connect to existing, planned or platted streets with a stub-out, where applicable.
 - c. Where a subdivision is allowed one (1) point of access, that entrance street shall be designed with a three (3) lane divided entrance street. The right turn lane shall be required to have a 75 radius to provide needed lateral separation between two (2) vehicles exiting at the same time.
2. Industrial and freight-oriented developments shall provide at least (2) continuously open points of ingress/egress. One open point shall be dedicated for employee passenger vehicle and the other for freight vehicles, where feasible. The right turn lane shall be required to have a 75 foot radius to provided needed lateraled separation between two (2) vehicles exiting at the same time.
3. **Limitations.** Within any zoning district where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be in accordance with Table 4.3.11.C, - Access Limitation Requirements.

Table 4.3.11.C – Access Limitation Requirements	
Property Frontage Length	Number of Access Points
Up to 100 feet	1
101-200 feet	2
201 feet or more	2, plus 1 or additional as approved by the Director

D. Additional Requirements.

1. Within any residential zoning district 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:

Commented [DS70]: Please clarify the required configuration of a “three (3) lane divided entrance street,” including the required number and direction of inbound/outbound lanes and whether a raised or landscaped median is required.
Please confirm the intended 75-foot radius requirement in §§4.3.11.C.1.c and C.2 and coordinate with applicable engineering and Fire standards. Also specify the point and method from which the required radius is measured. [GL]

Commented [DS71R70]: We recommend that the public works department confirm this information or provide what the typical street section would be

- a. At street intersections, no curb cut shall be located within 50 feet of the intersections of two (2) curb lines or such lines extended, or within 15 feet of the intersection of two (2) property lines extended.
 - b. 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 20 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.
 - c. All driveways shall be constructed to be at least two (2) feet from any property line.
 - d. The maximum width of any [standalone](#) driveway shall not exceed 20 feet measured at the right-of-way line.
 - e. The maximum width of any curb cut, including curb returns, shall not exceed 30 feet.
 - f. The sum of the two (2) curb return radii for any one (1) curb cut shall not exceed 15 feet.
2. Within any non-residential or mixed-use zoning district 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:

a. At street intersections, no curb cut shall be located within 50 feet of the intersections of two (2) curb lines or such lines extended, or within 15 feet of the intersection of two (2) property lines extended.

a-b. All driveways shall be constructed to be at least five (5) feet from any property line.

b-c. The maximum width of any driveway shall not exceed 40 feet measured at the right-of-way line.

c-d. The maximum width of any curb cut, including curb returns, shall not exceed 50 feet.

E. Driveway Separation.

1. 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 requirements in accordance with [Table 4.3.11.EB, Driveway Separation](#).

Table 4.3.11.EB – Driveway Separation	
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

2. For intersecting roadways that are not classified as collector or above and have posted speed limits ~~thirty (30)~~30 miles per hour or less, private commercial/industrial driveways may be allowed to have a reduced offset requirement at the City's or Henry County Department of Transportation's discretion.

F. Proposed Streets.

1. 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.

G. Joint Access.

1. Joint access driveways and cross access easements shall be in accordance with the following provisions:
2. 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:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation;
 - b. ~~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~~Stubbing a connection to the adjacent parcel at the property line; and
 - c. Sufficient separation between side street access to the property and the major road to ensure safety.
3. In order to ensure continuous availability of access to all properties, all property owners shall:
 - a. 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;
 - b. 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
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

4.4 Architectural Guidelines

4.4.1 General Requirements

A. Design Composition.

1. The exterior design of buildings should be complementary with the prevalent architectural features of the surrounding neighborhood, block, or street, especially in areas that have established and recurring architectural exterior patterns and features,
2. Materials shall be selected for their suitability to the type of building and design for which they are used. Any piecemeal embellishment and frequent changes in material should be avoided.
3. All sides of the building shall use materials that are consistent with those on the front façade, if they are visible from public streets or neighboring properties; and they shall be carefully designed with similar detailing, comparable quality, and compatible materials.

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B. Exterior Finish Materials.

1. Exterior finish materials shall be identified in the approved Exterior Finish Materials List maintained by the Planning and Zoning Department. All exterior walls (not including windows and doors) for all new construction shall consist of the following permitted building materials, as applicable:
 - a. Brick, or brick veneers, except that only natural brick may be used for residential buildings. Brick veneer walls shall use full-depth brick;
 - b. Natural stone such as, but not limited to, granite, limestone, and acid marble. Terra cotta or cast stone which simulate natural stone are also acceptable. Painted stone and stone veneers are not allowed;
 - c. Split-face block/concrete masonry unit (CMU) is restricted to a maximum of 20% of the façade;
 - d. High-grade stucco;
 - e. Natural wood or cementitious fiberboard siding;
 - f. Glass. Glazing shall be clear or slightly tinted (not opaque nor highly reflective) glass;
 - g. Vinyl siding with a nominal thickness of forty-six one-thousandth (0.046) inches; or
 - h. Metal or cementitious composite board siding may be used in the eaves and soffits of a building.
2. Prohibited exterior materials, unless allowed herein, include:
 - a. Non-architectural metal panel systems;
 - b. Softwood plywood grade B or lower, oriented strand board and particle boards;
 - c. Unfinished cast-in-place or precast concrete vertical elements (e.g., walls, columns, exposed elevated slab edges);

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Commented [DS72]: Built this in to allow for the department to maintain a “look book” of approved or used materials

- d. Exposed concrete block;
- e. Aluminum siding; or
- ~~f. Metal screens or bars covering window openings.~~
- ~~f.~~

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4.4.2 Requirements for Industrialized or Modular Homes

- A. A dwelling unit manufactured in accordance with Georgia Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia Department of Community Affairs shall meet the following standards:
1. A minimum width in excess of 12 feet.
 2. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.
 3. A minimum roof pitch of 5:12, which means having a pitch equal to at least five (5) inches of vertical height for every 12 inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this ordinance may be extended, enlarged, or repaired as otherwise provided by this ordinance with the same roof pitch as that allowed by the previous building permit.
 4. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles. Other roof materials may be used where specifically approved by the Director.
 5. A curtain wall, un-pierced except for required ventilation and access, shall be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material.
 6. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
 7. Utility meters shall be mounted to the structure rather than on a utility pole.
 8. A landing shall be installed at each doorway. The minimum size of the landing shall be four (4) feet by six (6) feet (excluding steps) at each doorway. The

structure shall include steps which lead to ground level, and both landing and steps shall meet the requirements of the Standard Building Code.

9. 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:
 - a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.
10. The dwelling shall be installed in accordance with O.C.G.A. § 8-2-110 et seq., and the rules promulgated thereunder.

4.4.3 Requirements for Manufactured Homes

- A. A dwelling unit manufactured with the Secretary of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, shall meet the following development standards:
 1. A minimum width of 12 feet.
 2. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.
 3. Any dwelling unit for which a building permit was obtained prior to the adoption of this ordinance may be extended, enlarged, or repaired as otherwise provided by this ordinance with the same roof pitch as that allowed by the previous building permit.
 4. A curtain wall, un-pierced except for required ventilation and access, shall be installed so that it encloses the area located under the home to the ground level. Such a wall shall be non-load bearing and have a minimum thickness of four (4) inches when constructed of masonry, brick, stone finish, or similar material. When metal or molded curtain walls are used, they must be attached to treated wood framing that is no more than 24 inches on center or metal channel framing.
 5. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made

and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.

6. All axles, tongues, and transporting and towing apparatus shall be removed before occupancy.

4.4.4 Requirements for Single-Family Detached and Attached (includes duplex, triplex, quadraplex, ~~and townhomes~~)

A. Design Composition.

1. The front facades shall include at least two of the following architectural modulation and details:

- a. Varied materials and wall planes;
- b. Varied roof forms and roof lines;
- c. Balconies;
- d. Porches;
- e. Bay windows;
- f. Varied window sizes and shapes;
- g. Shutters;
- h. Entrance doors;
- i. Sidelights;
- j. Pilasters;
- k. Varied garage door designs;
- l. And other features as approved by the Director.

2. Identical facades shall not be used for more than two (2) dwellings or buildings on the same block face, or for buildings that face each other across a street. For townhomes, identical façade designs must not be used for more than six (6) on the same block face, or for buildings that face each other across a street. Differentiation between adjacent facades may be accomplished by a change in materials, building height, color, or roof form.
3. The dwelling shall be attached to a permanent foundation. The foundation shall be concrete or masonry blocks joined by mortar or both.
4. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each. In cases where homes fall off in grade toward a basement condition, the brick or stone water table shall be extended along the sides and rear to achieve the same height as exists on the front of the home.
5. 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 18 inches and a minimum width of six (6) inches.

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6. Garages.

- a. A minimum of two (2) car garages shall be required for all single-family detached residential structures. Side or rear entry garages shall be required.
- b. Two (2) car garages are required for each unit of a duplex.

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B. Exterior Finish Materials.

1. Exterior building materials shall be primarily brick, stone, other masonry, glass, stucco, shake, wood, or cementitious fiberboard siding.
2. Buildings in the CCR zoning district are required to be at least 75% brick or stone on all four (4) facades of the building with the remaining 25% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the facades shall be constructed of metal or steel.
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.

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C. Roof Requirements.

1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.
2. The minimum roof pitch of a single-family home shall be 4:12. Porches, stoops, and dormers are exempt from this requirement.

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D. Mechanical Equipment Screening.

1. 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:
 - a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.

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4.4.5 Requirements for Single-Family Detached and Attached (townhomes)

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A. Design CompositionArchitectural Image and Character.

1. Townhome developments shall be designed to maintain a high-quality residential character through appropriate building massing, architectural detailing, materials, and façade articulation. These standards are intended to

promote durable, attractive, and compatible development while allowing flexibility in architectural style, provided the minimum requirements of this section are satisfied.

1. ~~The front facades shall include at least two of the following architectural modulation and details:~~
 - a. ~~Varied materials and wall planes;~~
 - b. ~~Varied roof forms and roof lines;~~
 - c. ~~Balconies;~~
 - d. ~~Porches;~~
 - e. ~~Bay windows;~~
 - f. ~~Varied window sizes and shapes;~~
 - g. ~~Shutters;~~
 - h. ~~Entrance doors;~~
 - i. ~~Sidelights;~~
 - j. ~~Pilasters;~~
 - k. ~~Varied garage door designs;~~
 - l. ~~And other features as approved by the Director.~~
2. ~~Identical facades shall not be used for more than two (2) dwellings or buildings on the same block face, or for buildings that face each other across a street. For townhomes, identical façade designs must not be used for more than six (6) on the same block face, or for buildings that face each other across a street. Differentiation between adjacent facades may be accomplished by a change in materials, building height, color, or roof form.~~
3. ~~The dwelling shall be attached to a permanent foundation. The foundation shall be concrete or masonry blocks joined by mortar or both.~~
4. ~~A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each. In cases where homes fall off in grade toward a basement condition, the brick or stone water table shall be extended along the sides and rear to achieve the same height as exists on the front of the home.~~
5. ~~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 18 inches and a minimum width of six (6) inches.~~
6. ~~Garages.~~

~~a. A minimum of two (2) car garages shall be required for all single-family detached residential structures. Side or rear entry garages shall be required.~~

~~b. Two (2) car garages are required for townhomes and for each unit of a duplex.~~

B. Design Composition.

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1. Building design shall incorporate durable, high-quality exterior materials that are compatible with the architectural character of the surrounding area.
2. Primary exterior materials shall consist of brick, natural stone, stucco, or cementitious fiber cement siding. Natural stone is preferred; however, manufactured stone may be permitted when approved by the Community Development Department and determined to be of comparable quality and appearance.
3. Rear elevations shall be constructed of brick, stone, stucco, cementitious fiber cement siding, or another approved material that is architecturally compatible with the front façade.
4. Exterior colors shall consist of a cohesive and complementary color palette.
5. Bright, fluorescent, or highly reflective colors shall be prohibited except as minor accent colors approved by the Community Development Department.
6. Front elevations and elevations facing a public street or common open space shall incorporate a minimum of three (3) exterior materials and three (3) complementary colors.
7. Interior side and rear elevations shall incorporate a minimum of two (2) exterior materials and two (2) complementary colors.
8. Two (2) car garages are required.
9. Brick, stone, wainscot, or other approved primary façade materials shall wrap a minimum of two (2) feet around all exterior building corners.
10. Primary façade materials shall extend the full width of each front elevation and any elevation facing a public street or common open space.
11. Material transitions shall occur at logical architectural breaks and shall not terminate abruptly at outside corners.

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B-C. Exterior Finish Materials.

1. The front façade of each townhome dwelling unit shall be comprised of not less than 75% percent brick. The remaining 25% percent of the front façade may consist of stone, stucco, cementitious fiber cement siding, shake, or other materials approved by the Unified Development Code.
 - a. For purposes of calculating façade materials, doors, windows, garage doors, gables, and eaves shall not be included in the calculation.

- ~~1. Exterior building materials shall be primarily brick, stone, other masonry, glass, stucco, shake, wood, or cementitious fiberboard siding.~~
- ~~2. Buildings in the CCR zoning district are required to be at least 75% brick or stone on all four (4) facades of the building with the remaining 25% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the facades shall be constructed of metal or steel.~~
- ~~2. 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. The front and side facades of each dwelling unit shall consist of primary exterior materials, including brick and/or stone, together with complementary secondary materials such as stucco, shake, or cementitious fiber cement siding, provided that cementitious fiber cement siding shall not exceed 30% percent of the total exterior wall area.~~
- ~~3. The rear elevation may consist of brick, stone, stucco, cementitious fiber cement siding, or a compatible combination of these materials. All exterior materials shall be architecturally compatible with the front facade.~~
- ~~3.4. Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all townhome dwelling units, including gables and eaves, unless otherwise expressly permitted by this Unified Development Code.~~

D. Building Features.

- ~~1. The primary entrance to each townhome building shall be clearly identifiable and emphasized through the use of an appropriately scaled architectural feature, such as a porch, portico, canopy, recessed entry, or similar architectural element.~~
- ~~2. Canvas or fabric awnings shall not be permitted at primary building entrances unless specifically approved by the Community Development Department as an integral component of the building's architectural design.~~
- ~~3. For multifamily-style townhome buildings with a common entrance, the primary entrance shall provide direct access to a vestibule or interior lobby.~~
- ~~4. Each dwelling unit shall include either a functional balcony or, for ground-floor units, a private patio or other usable outdoor living space.~~
- ~~5. Juliet balconies may be permitted when architecturally integrated into the overall building design.~~
- ~~6. Exterior elevated walkways, exterior landings, and exterior common stairways providing primary access to individual dwelling units shall be prohibited.~~

E. Architectural Details and Orientation.

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1. Where thin veneer brick or manufactured stone is utilized as an exterior finish material, the material shall wrap around exterior building corners a minimum of 24 inches or terminate at an inside corner to provide the appearance of full-depth masonry.
2. Trim surrounding windows, doors, building corners, rooflines, and changes in exterior materials shall be architecturally proportionate and shall have a minimum nominal width of four (4) inches.
3. Trim colors shall complement or appropriately contrast with the primary exterior building materials.
4. Where shutters are provided, they shall be proportionate to the adjacent window opening and sized to appear functional.
5. Roof eaves and overhangs shall project a minimum of 12 inches, unless an alternative architectural treatment is approved by the Community Development Department.

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~~C.F.~~ **Roof Requirements** ~~Massing and Roof Forms.~~

1. Townhome buildings shall not exceed two and one-half (2½) stories in height when viewed from the fronting public or private street. Any above-grade parking level visible from the street shall be considered a story and shall be included in the maximum building height calculation.
2. Townhome buildings shall incorporate pitched roofs. Acceptable roof forms include gable, hip, shed, or similar residential roof styles. False parapets or other architectural elements intended solely to conceal a pitched roof or create the appearance of a flat roof shall be prohibited.
3. Dormers, where provided, shall be functional, proportionate to the building, and architecturally integrated into the overall design. Dormers used to conceal mechanical equipment may be permitted, provided they remain consistent with the architectural character of the building.
- 1.4. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.
2. The minimum roof pitch of a single-family home shall be 4:12. Porches, stoops, and dormers are exempt from this requirement.

~~D.G.~~ **Mechanical Equipment Screening.**

1. 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:

-
- a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.

H. Maintenance.

- 1. All exterior architectural features, building materials, landscaping, and design elements required by this section shall be maintained in good repair throughout the life of the development. Replacement materials shall be substantially similar in appearance, quality, and design to the originally approved materials unless otherwise approved by the Community Development Department.

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I. Review and Approval.

- 1. Architectural elevations and site plans shall be reviewed by the Community Development Department as part of the applicable development review process, including site plan approval, subdivision approval, or other applicable development applications. Approval of the architectural elevations shall be required prior to the issuance of any land disturbance or building permit.

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J. Site Development Standards.

- 1. Landscaping shall comply with the applicable provisions of Chapter 13, Buffers, Landscaping, and Tree Protection, of the UDC.
- ~~b.~~2. All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy unless an alternative installation schedule or financial guarantee is approved by the City in accordance with the Unified Development Code.

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4.4.5 Requirements for Multi-Family Residential (includes apartments and condominium buildings)

A. Design Composition.

1. Building designs shall incorporate at least two (2) of the following features. The maximum wall length without façade features shall not exceed 30 feet.
 - a. Columns;
 - b. Windows;
 - c. Doors;
 - d. Balconies;
 - e. Pilasters;
 - f. Changing rooflines;
 - g. Cornice;
 - h. Porch entrances;
 - i. Tower elements;
 - j. Architectural patterns and texture;
 - k. Cupola; or
 - l. Dormers.
2. For buildings 100 feet or more in length, at least two (2) portions of the street-facing façade must have a wall projection or recess which are a minimum of three (3) feet in depth and a minimum of 20 contiguous feet long. The combination of the required variations in setback must total no less than 20% of the length of the building.
3. Window systems shall be recessed from the façade of the building a minimum of three-quarters (0.75) inches. This reveal may be achieved through the design of the window casing reveals and frames, the use of a brick sill, or recessing the front face of the upper sash from the exterior wall plane. Alternative detailing that achieves a similar degree of depth and visual articulation may be approved by the Director.
4. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each.
5. The building design shall include a minimum of a one (1) foot deep cornices along the entire front facade of the building and extending for a distance of at least ten (10) feet along the sides of the building.

B. Exterior Finish Materials.

1. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.

2. ~~Buildings in the MFR zoning district~~Stand-alone multi-family buildings are required to be at least 75% brick or stone on all four (4) facades of the building with the remaining 25% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the facades shall be constructed of metal or steel.
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. Roof Requirements.

C. Roof Requirements.

1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.
2. **Roof Types.**
 - a. Mansard roofs shall have a maximum pitch of 12:12 and a minimum twelve-foot vertical surface length.
 - b. Flat roofs shall include parapet articulation on the front facade(s) of such building.
 - c. Green roofs shall be highly recommended and will be reviewed on a case-by-case basis.
 - d. Gable roofs shall have a minimum roof pitch of 4:12. Porches, stoops, and dormers are exempt from this requirement.

D. Site Requirements.

1. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.
- 1.
2. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.
- 2.

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~~4.4.6 Requirements for Non-Residential (includes mixed-use, commercial, institutional, industrial, etc.)~~4.4.6 Requirements for Non-Residential (includes mixed-use, commercial, institutional, industrial, etc.)

- A. All buildings constructed within a MUS, MU, PUD, C-1, C-2, OI, LI, or HI zoning districts shall meet the development standards and the appearance standards set forth in this section. "Buildings" shall include all commercial, office, institutional, and industrial buildings.
- B. **Design Composition.**
 1. Building designs shall incorporate at least two (2) of the following features:
 - a. Columns;

-
- b. Storefront;
 - c. Windows;
 - d. Piers;
 - e. Pilasters;
 - f. Changing rooflines;
 - g. Variation in setback of the facades;
 - h. Cornice;
 - i. Tower element;
 - j. Architectural Patterns and Texture;
 - k. Cupola; or
 - l. Dormers.
2. For buildings 100 feet or more in length, at least two (2) portions of the street-facing façade must have a wall projection or recess which are a minimum of three (3) feet in depth and a minimum of 20 contiguous feet long. The combination of the required variations in setback must total no less than 20% of the length of the building.
 3. Building designs shall integrate at least one (1) material changes and color variation averaged over each façade. Buildings with facades longer than 100 feet shall have an articulated façade that incorporates at least one (1) significant modulation that includes a variation in setback of the facades and/or color and texture change.
 4. All windows shall be consistent with the decorative façade design, considering materials and colors.
 5. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each
 6. 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 facade of the building and has the approval of the building owner and the Director.
 7. A pedestrian entrance which faces an abutting public street, or the nearest public vehicular access drive if there is no abutting public street. This pedestrian entrance shall be a primary entrance that is open to guests or customers during the hours of operation of the subject building.

C. Exterior Finish Materials.

1. Exterior building materials shall be primarily brick, stone, other masonry, stucco, or EIFS.
2. Commercial and mixed-use buildings in the MUS, MU, PUD, C-1, C-2, or OI zoning district are required to be at least 785% brick or stone of the façade area on all four (4) facades of the building. ~~with the remaining~~ The remaining 15% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the ~~façade~~ façade areas shall be constructed of metal or steel. For the purposes of these calculations, "façade area" includes the area of parapets, windows, and doors.
3. Industrial buildings in the MUS, MU, PUD, LI, or HI zoning district shall maintain a decorative façade on that portion of the building that faces 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.
4. Facade colors and materials shall be limited to three (3) per facade face. They shall either be complementary to the materials that are already being used in the neighborhood; or, if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that the building related to the rest of the neighborhood.
5. All facades that are visible from a public street or park/open space shall utilize high-quality finish materials.
6. 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.

D. Roof Requirements.

1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the Director.
2. ~~Metal roofing, if utilized, shall consist of standing seam metal roofing with a minimum 29-gauge rating. The metal must be covered with acceptable materials.~~

3.2. Roof Types.

- a. Mansard roofs shall have a maximum pitch of 12:12 and a minimum twelve-foot vertical surface length.
- b. Flat roofs shall include parapet articulation on the front facade(s) of such building.
- c. Green roofs shall be highly recommended and will be reviewed on a case-by-case basis.

Commented [EM73]: Potentially clarify calculation language (GL):

Please clarify how windows, doors, storefront glazing, and other openings are treated when calculating the required 85% brick or stone façade coverage. Consider specifying whether the percentage is calculated based on gross façade area or net opaque wall area excluding openings.

Commented [EM74]: Clarify what this means (GL) – what needs to be covered, and what is "acceptable materials"?

Commented [DS75R74]: Since we allow other roof materials approved by the Director I have removed this to be determined by the director.

- d. Gable roofs shall have a minimum roof pitch of 4:12. Porches, stoops, and dormers are exempt from this requirement.

E. Site Requirements.

1. 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.
2. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.
3. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.

4.4.7 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 commercial 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)~~40,000 square feet of floor area shall comply with the design standards contained in this section in addition to those contained in Section 4.4, Architectural Guidelines and 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 in Table 4.4.7.C, Building Design Standards for Establishments over 40,000 square feet.

Table 4.4.7.C – Building Design Standards for Establishments over 40,000 square feet	
DEVELOPMENT FEATURE	STANDARD
Design Composition	• Arcades, display windows, entry areas, or awnings shall be provided along at least 60% 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.

- D. **Site Design Standards.** Site design shall meet the standards below in Table 4.4.7.D, Site Design Standards for Establishments over 40,000 square feet.

Table 4.4.7.D – Site Design Standards for Establishments over 40,000 square feet	
DEVELOPMENT FEATURE	STANDARD

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Commented [DS76]: Please confirm whether the existing standards governing outside storage/display and seasonal sales for establishments over 40,000 square feet have been relocated elsewhere in the proposed UDC. These provisions do not appear in Table 4.4.7.D. [GL]

Commented [DS77R76]: Outdoor display/storage is under 3.2.27

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 a minimum of 100 feet from any residentially zoned property.
Dumpsters	• Enclosed with materials compatible to the principal building, except for an access gate, and screened from view from adjacent properties and from the public right-of-way.
Open space	• A minimum of 20% of the site shall be landscaped open space.
Pedestrian Access	• <u>Decorative walkways within landscape medians and around larger parking pods are required for every five (5) drive or parking aisles to provide safety and space for pedestrians. A drive or parking aisle shall include both sides available for parking.</u> • <u>If required within a site, the material for these connections shall be a decorative paving material (i.e., stamped or textured concrete, pavers, or color concrete) to delineate the pedestrian crossing.</u> • <u>A pedestrian connectivity plan must be approved by the Director. This plan must provide the proposed pavement design, indicate proposed pedestrian walkways within the site, and indicate connections to other sites.</u>

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4.4.8 Mechanical Equipment

- A. **Exemptions.** Free-standing or roof-mounted renewable energy systems such as solar panels are exempt from these screening requirements, where such screening would interfere with the function of said renewable energy systems. Exemptions shall be reviewed and approved by the Director.
- B. **Roof-Mounted Equipment.**
 1. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent street (not including an alley) through one of the following techniques:
 - a. Enclosing the utility within a roof that is integrated into the building form;
 - b. Locating the utility within an enclosed mechanical penthouse whose materials and detailing complement the building architecture;

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- c. Locating the utility far enough from the parapet so as to be effectively invisible from adjacent public rights-of-way.
 - 2. Roof-mounted equipment shall be compatible with the principal building in terms of texture, quality, material, and color.
- C. Wall-Mounted Equipment.**
- 1. Wall-mounted equipment shall not be located on any surface that directly faces a street (not including an alley).
 - 2. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
- D. Ground-Mounted Equipment.**
- 1. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.
 - 2. Screening shall consist of landscaping or an opaque screen of brick, wood, or masonry materials compatible with the principal building or landscaping.

CHAPTER 5: PARKING REQUIREMENTS

5.1 Purpose

- A. The intent of this Chapter is to ensure the appropriate location, quantity, and quality of off-street parking and loading areas and to ensure that all developments provide adequate and safe storage and movement of vehicles consistent with safe and inclusive site design principles.

5.2 Applicability

- A. Except as provided in this Chapter, 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 arrangement and quantity of spaces reserved for off-street parking and loading. If no building permit is required prior to the commencement of a particular land use, compliance with the requirements of this Chapter shall be determined prior to the issuance of a Certificate of Occupancy (C.O).
- 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, an adequate quantity of off-street parking shall be provided for the entire site.

-
- 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.
 - E. With the exception of restriping parking lots or other routine maintenance which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Chapter.

5.3 Maintenance

- A. 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.
- B. Signs located within parking lots and painted lines for parking lots and buffers shall be well maintained.

5.4 General

5.4.1 Location

- 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 400 feet of the nearest boundary of the lot upon which the use is located measured by the shortest distance separating the sites.
- B. No required parking shall be permitted in any required landscape area or buffer.
- C. **Single-family and Two-Family Dwellings.** Parking areas that serve detached single-family and two-family residences shall be located on-site and shall meet the following requirements:
 - a. Unenclosed parking spaces may occupy a side yard, and no more than ~~fifty percent (50%)~~ 50% of a required rear yard.
 - b. 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.
 - c. Garage and carport spaces shall be considered parking spaces.
- D. **Townhomes Developments** Parking areas that serve townhouses shall adhere to the following requirements:
 - a. Unenclosed parking spaces may occupy a side yard, and no more than ~~fifty percent (50%)~~ 50% of a required rear yard.
 - b. 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.
 - c. Garage and carport spaces shall be considered parking spaces

-
- d. No off-street parking space or driveway shall be located within ten (10) feet of any property boundary, except for portions of a driveway intended to connect a garage or carport to the street, rather than for parking.
 - E. **Multi-Family Developments.** Parking areas that serve multi-family residences shall adhere to the following requirements:
 - a. Parking areas be prohibited within the required setback for the front yard and the side corner yard.
 - b. Driveways shall not be located nearer than ten (10) feet to any side or rear property line.
 - c. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single-family residence, nor within ten (10) feet of any other property line.
 - F. **Non-Residential.** Parking areas that serve non-residential land uses shall adhere to the following requirements:
 - a. Parking areas shall be prohibited within the required setback for the front yard and the side corner yard.
 - b. No off-street parking shall be permitted within 25 feet of any property line which adjoins a single-family residential district or use.

5.4.2 Vehicle Parking in Residential Districts

- A. **Commercial Vehicle Parking.**
 - 1. Except as provided herein, no open parking, open storing, or maintaining of any commercial vehicle shall be allowed to park on any residential lots, residential complexes, developments, or subdivisions, and in all residential zoning districts.
- B. **Exceptions.**
 - 1. Any commercial vehicle actively engaged in loading or unloading of merchandise or passengers or actively servicing a customer.
 - 2. Any government vehicle or other vehicle used for the primary purpose of transporting children to and from non-profit organizations, or state licensed accredited schools may park in said districts provided that such vehicle is not parked on any public street and is parked in the side or rear yard behind the main building line of the driver's dwelling.
 - 3. Trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use.
 - 4. Trucks under four (4) tons in empty weight.
- C. **Recreational Vehicle (RV), Equipment, Truck, and Trailer Parking.**
 - 1. Except as provided herein, no motorized or non-motorized recreational vehicles, equipment, or trailers shall be parked or stored on any residential

lots, residential complexes, developments, or subdivisions, and in all residential zoning districts for more than 24 hours unless one of the following conditions is satisfied:

- a. The motorized or non-motorized recreational vehicle, equipment, or trailer is parked in a side or rear yard behind the main building line in accordance with other sections of this ordinance.
 - b. The motorized or non-motorized recreational vehicle, equipment, or trailer is parked under a carport or in an enclosed building.
2. 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.
3. The 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:
 - a. Family hardships and catastrophic events.
 - b. Temporary dwelling when a primary structure is being built or modified on the same property.
 - c. No more than one (1) such vehicle is allowed to be occupied on-site at any one (1) 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)~~90 consecutive days.

5.5 Parking Calculation Requirements

- A. **Fractional Measurements.** When units or measurements determining number of required off-street parking spaces result in the requirement of a fractional space, then such fraction 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 Chapter.
- D. 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.
- E. **Minimum Space Requirements for Uses Not Identified.** Where the need for parking of a particular use is uncertain due to unknown/unusual operating characteristics or where

the use is not specifically identified in the Parking Calculation Table, the Director shall determine the most similar land use provided in the table and apply the parking regulations therein

5.6 Required Parking Spaces and Loading Spaces

- A. Unless otherwise expressly stated in this UDC, parking ratios shall be as per the Table 5.6.A – Parking Ratios.
- B. Unless otherwise expressly stated in this UDC, parking ratios shall be as per the Table 5.6.B – Loading Space Requirements.

Table 5.6.A – Parking Ratios			
Land Use Group	Land Use Examples (including but not limited to)	Minimum Parking Quantity Requirement	Maximum Parking Quantity Requirement
Adult entertainment establishments		10 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Assembly places with fixed seating	Stadiums/auditoriums Theaters/amphitheaters	1 per 4 fixed seats	1 per fixed seat
Assembly places without fixed seating	Meeting halls Libraries	3 per 100 sq. ft. of assembly room space	6 per 100 sq ft of assembly room space
Auto dealerships, sales & service	New car sales Used car sales Service and parts	6 per 1,000 sq. ft.	12 per 1,000 sq ft
Child care and kindergartens	Day care centers Pre-school	1 per classroom or activity room	3 per classroom or activity room
Churches and other places of worship		1 per 20 sq. ft. of space in the main assembly area(s)	Parking shall not exceed 150% of the Minimum Requirement
Clubs and lodges	Country clubs Fraternal organizations	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
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;	Parking shall not exceed 150% of the Minimum Requirement

		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.	Parking shall not exceed 150% of the Minimum Requirement
Dance studios		10 spaces per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Dormitories and related	Dormitories Fraternity houses Sorority houses Boarding houses	1 per bedroom	Parking shall not exceed 150% of the Minimum Requirement
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	Parking shall not exceed 150% of the Minimum Requirement
Financial institutions	Banks Credit unions Brokerage houses	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Funeral homes		1 per 3 fixed seats, plus 1 for each 25 sq. ft. in the largest assembly room	Parking shall not exceed 150% of the Minimum Requirement
Golf course, public and private, without club facilities		50 spaces per 9 holes	Parking shall not exceed 150% of the Minimum Requirement
Health care facilities	Hospitals Out-patient clinics Convalescent home Nursing home	1 per 4 beds, plus 1 per 3 employees	1 per bed
Hotels and motels	Apartment hotels Hotels Motels	1 per room	Parking shall not exceed 150% of the Minimum Requirement

Industrial and manufacturing	Assembly plants Fabrication plants Factories	1 per 2,000 sq. ft.	3 per 1,000 sq ft
Laboratories, scientific and related	Experimental labs Fabrication plants Factories	1per 2,000 sq. ft.	3 per 1,000 sq. ft.
Medical offices Related facilities	Dental offices Doctor's offices Veterinary offices Clinics	4 per 1,000 sq. ft.	8 per 1,000 sq ft
Mini-warehouses		1 per employee, plus 1 per 5,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Offices, general	Freestanding offices Office towers Office parks Offices associated with other uses	3 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Personal service establishments	Barber shops Beauty parlors Laundromats/dry cleaners	5 per 1,000 sq. ft.	12 per 1,000 sq ft
Race track		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 other spectator area	Parking shall not exceed 150% of the Minimum Requirement
Recreational facilities, indoor	Billiard parlors Game rooms Arcades Skating rinks Physical fitness centers Museums Bowling alleys	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Recreation, private	Sports court	4 per court	8 per court
	Swimming pool	6 per adult swimming pool , plus 1 per 15 dwelling units beyond 60 served	Parking shall not exceed 150% of the Minimum Requirement

Recreation, public	Sports Courts	4 per court	8 per court
	Playing Fields	50 per field	100 per field
	Driving Range	2 per tee	4 per tee
	Miniature golf	20 per 18 holes	40 per 18 holes
	Swimming pool	20, plus 1 per 50 sq. ft. of pool area	40, plus 1 per 50 sq. ft. of pool area
Recycling centers		3 spaces per 2,000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container; plus loading spaces	Parking shall not exceed 150% of the Minimum Requirement
Residential, cottage court cluster development <u>village development</u>	Cottage home <u>court</u> residence	21 space per dwelling unit, plus 1 guest parking space per 5 dwelling units	33 spaces per dwelling unit
Residential, townhome		<u>2 space per dwelling unit, plus 1.4 guest parking spaces (studio or 1 bedroom); 2 guest parking spaces (2 bedroom); 2.25 guest parking spaces (3 bedroom)</u>	
Residential, multifamily (fewer than 40 units/acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1 per dwelling unit 2 per dwelling unit 2 per dwelling unit	2 per dwelling unit 3 per dwelling unit 4 per dwelling unit
Residential multifamily high-rise (40 + units/acre)	1 bedroom or efficiency unit 2-bedroom unit 3-bedroom unit	1. per dwelling unit 1.5 per dwelling unit 2 per dwelling unit, plus 2 guest parking spaces per unit	2 per dwelling unit 3 per dwelling unit 4 per dwelling unit
Residential, single-family	Detached dwelling Duplexes Mobile homes Townhouses	2 per dwelling unit , plus 1 guest parking space per 5 dwelling units	Not applicable
Residential, tiny house village development	Tiny ho <u>me</u> use residence	1 space per dwelling unit, plus 1 guest parking space per 5 dwelling units	33 spaces per dwelling unit

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Residential, retirement home	Retirement homes Retirement village	1 per dwelling unit	4 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating)	Cafeterias Bars Dance clubs Restaurants Music clubs Bistros	6 per 1,000 sq. ft.	20 per 1,000 sq ft
Retail establishments	Boutiques Shops Stores Rental services Art galleries Food stores	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Salvage, storage and/or junk facility		2 spaces per gross acre	6 spaces per gross acre
Schools	Junior High Elementary Middle	2 per classroom	6 per classroom
	Secondary High	10 per classroom	20 per classroom
	Colleges/Business colleges Tech/universities/trade Conservatories	8 per classroom or auditorium	30 per classroom or auditorium
Service and repair establishments	Appliance repair shops Bicycle repair shops Shoe repair shops General repair centers	5 per 1,000 sq. ft.	10 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.	10 per 1,000 sq ft
Warehousing and storage	Commercial storage Distribution centers	1 per 2,000 sq. ft.	2 per 1,000 sq ft.

Table 5.5.B – Loading Space Requirements		
Type of Use	Gross Floor Area (sq. ft.)	Minimum Loading Space Quantity Requirement
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1

	50,000 to 250,000 Greater than 250,000	2 3
Shopping centers	0 to 19,999 20,000 to 49,999 50,000 to 100,000 Greater than 100,000	0 1 2 3, plus 1 per each additional 100,000 square feet of gross floor area
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 Greater than 2,000,000	0 1 2
Manufacturing, warehousing, wholesaling, and similar land uses	0 to 14,999 15,000 to 39,999 40,000 to 80,000 Greater than 80,000	1 2 3 3, plus 1 per each additional 100,000 square feet of gross floor area
Recycling centers	N/A	2

5.7 Handicap Parking Requirements

- A. Parking spaces shall be provided for individuals with disabilities pursuant to The Americans with Disabilities Act (ADA). Parking ratios shall be as per the [Table 5.7, — Handicap Parking Requirements](#).
- B. 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.
- C. Ramps shall meet the design standards set forth in the Georgia Accessibility Code of the Rules and Regulations of the Georgia Safety Fire Commissioner.

Table 5.7 – Handicap Parking Requirements	
Minimum Quantity of Parking Spaces Required	Minimum Quantity of Accessible Parking Spaces Required
Less than 26	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
Greater than 500	2% of total required spaces

5.8 Design Standards

5.8.1 General

- A. All parking spaces and drive-aisles that serve multi-family, commercial, and industrial land uses shall be composed of 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, pursuant to the illumination requirements of this Chapter.
- 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 similar physical vehicle barriers.

G-H. Parking lot solar carports are permitted and encouraged in accordance with Section 3.2.37, Solar Energy Systems.

5.8.2 Dimensional Standards

- A. The minimum parking lot space dimensions shall be in accordance with Table 5.8.2.A, —
Dimensional Standards:

Table 5.8.2.A – Dimensional Standards	
Type of Parking Space	Minimum Required Dimensions
45° angle	9' wide; 25' deep
60° angle	9' wide; 22' deep
90° angle (perpendicular)	9' wide; 19' deep
Parallel	8'6" wide; 21' deep
Compact automobile space: 90° angle	8' wide; 18' deep

Handicapped spaces	Refer to the Georgia Accessibility Code of the Rules and Regulations of the Georgia Safety Fire Commissioner
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B. **Aisle Width.** The minimum aisle width shall be in accordance with Table 5.87.2.B, —
Aisle Widths:

Table 5.8.2.B – Aisle Widths	
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
24	90°

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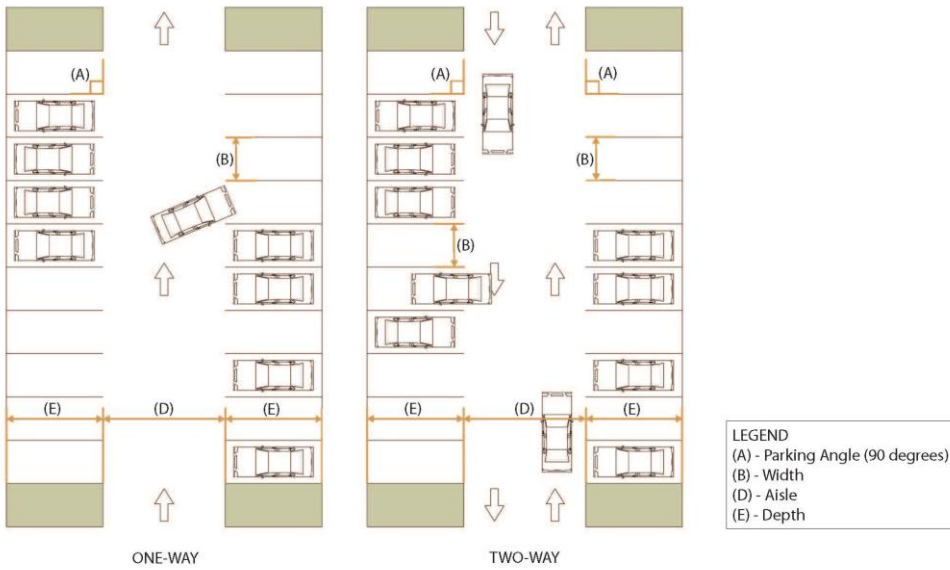


Figure 5.8.2.B (1) - 90° Parking



Figure 5.8.2.B (2) - 45° Parking

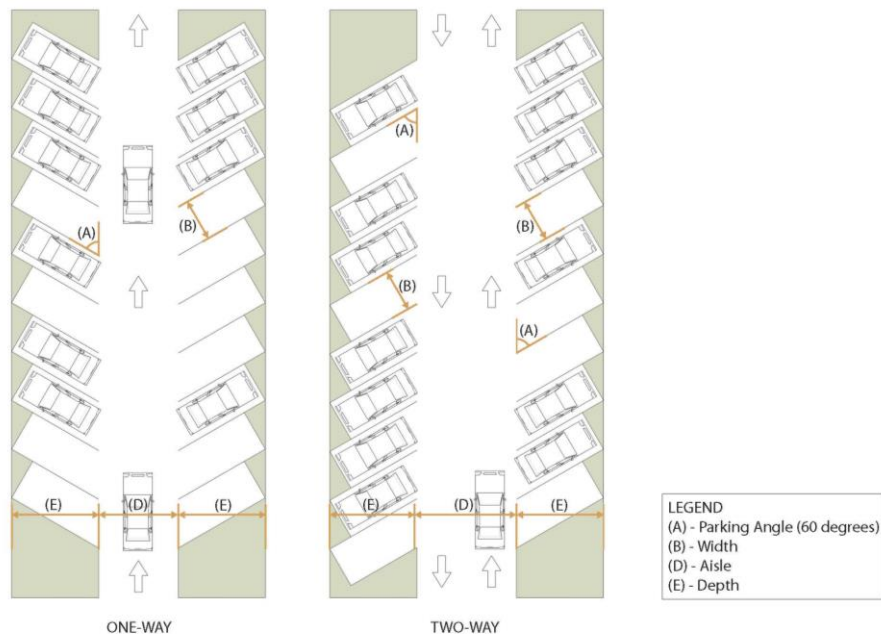


Figure 5.8.2.B (3) - 60° Parking

- C. **Loading Space Dimensional Standards.** The minimum aisle width shall be in accordance with Table 5.8.2.C – Loading Space Dimensional Standards:

Table 5.8.2.C – Loading Space Dimensional Standards		
Land Use	Minimum Required Dimensions	Overhead Clearance
Wholesale and Industrial Uses	10' wide; 50' deep	14'
All Other Uses	10' wide; 35' deep	

- D. One electric vehicle charging station in accordance with Section 3.2.151 is required per 10 parking spaces, not to exceed 30 spaces.

5.9 Shared Parking Arrangements

- A. Shared parking facilities are permitted by the City with the following intentions:
1. To reduce the gross land area used for parking lots and parking infrastructure in non-residential areas.
 2. To reduce development and maintenance costs associated with parking infrastructure that is rarely or never fully utilized.

-
3. To foster connectivity between neighboring business and commercial enterprises.
- B. Where shared parking facilities are proposed, the following standards shall be met:
1. There shall be paved vehicular inter-parcel access between the subject properties.
 2. There shall be paved pedestrian inter-parcel access between the subject properties.
 3. The subject property owners 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 or share of parking spaces.
 4. 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.
- C. A City shall be furnished with a parking study to demonstrate the proposed shared parking agreement will provide adequate parking for the subject property and land uses. The study shall include the following requirements:
1. 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.
 - a. 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.
 - b. 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.
 2. Document the source(s) of data used to develop recommendations.
 3. Document the extent to which transportation system management and alternative forms of transportation (pedestrian and bicycle) reduce the parking requirement.
 4. Document the availability of off-site parking to meet a portion of the parking requirements. Off-site parking shall not be located more than 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.
- D. **Shared Parking Calculation.**

1. The process for determining the minimum parking requirements shall be as follows:
 - a. Determine the minimum number of parking spaces required for each use category from Section 5.6, Required Parking Spaces and Loading Spaces.
 - 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.
 - d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
2. Shared Parking Requirements shall be as per the Table 5.9, —Shared Parking Requirements.

Table 5.9 – Shared Parking Space Requirements				
LAND USE	WEEKDAYS		WEEKENDS	
	6:00 A.M. to 5:00 P.M.	5:00 p.m.to 1:00 A.M.	6:00 A.M. to 5:00 P.M.	5:00 P.M. to 1:00 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%
Place of Worship	50%	50%	100%	60%

5.10 Parking Garages

- A. Where practicable, the ground floor facade 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.

5.11 Bicycle Parking

- A. **Applicability.** Bicycle racks are required within all multi-family, mixed-use, and non-residential developments.
- B. **Design and Location.**
 - 1. Bicycle parking spaces shall be located to be readily visible by the public or by building users, except in the case of long-term parking spaces located in secure areas accessible only to employees, staff, or residents.
 - 2. Racks or other spaces shall not intrude on sidewalk zones, or other pedestrian walkways or trails.
 - 3. Bicycle parking spaces shall be accessible without climbing stairs, going up or down a slope of more than 12% and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
 - 4. All bicycle racks be located greater than 100 feet away from the subject pedestrian entrance.
 - 5. All bicycle racks and similar installations shall be securely anchored to the ground or building structure.

5.12 Stacking Spaces

- A. This Section applies only to drive-through, drive-thru, drive-up, and similar uses. They are referred to collectively as “drive-through” uses.
- B. **Spaces Required.** In addition to the parking required for each use, establishments with drive-through facilities shall provide stacking spaces for each drive-through station as indicated by a parking study, transportation management plan, or other approved evidence that will help to determine the appropriate spaces requirements, submitted to the Director.
- C. **Dimensions.** Each lane of stacking spaces shall be at least 9 feet in width and at least 18 feet in length. Edges of stacking lanes shall be delineated with pavement markings.
- D. **Bypass Lane.** Drive-through restaurants shall include a bypass lane adjacent to the required stacking lane. The bypass lane shall have a minimum width of ten (10) feet and be designed to allow vehicles to circumvent or leave the stacking lane without waiting for other queuing vehicles to exit.
- E. **Location and Design.** Stacking lanes shall be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street. Stacking lanes and drive-through windows shall not be located between the principal building and the front street.
- F. **Pedestrian Access.** The principal pedestrian access to the entrance of the use from a public sidewalk shall not cross the drive-through facility stacking lane.

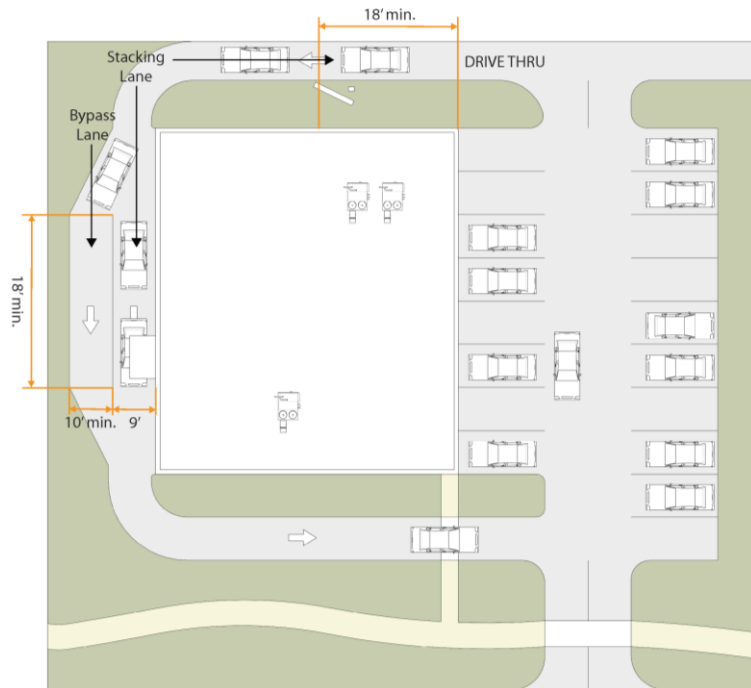


Figure 5.11 - Stacking Space Requirements

CHAPTER 6: SIGN STANDARDS

6.1 Legal Framework

6.1.1 Purpose and Intent

- A. The City of Stockbridge finds that signs are a proper use of private property, are a means of personal free expression, and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. It is the purpose of this article to promote public health, safety, and general welfare through reasonable, consistent, and fair sign standards. These sign regulations are not intended to censor speech or to regulate viewpoints, but to regulate, mitigate, and prevent adverse secondary effects of signs on City aesthetics, property values, and traffic and pedestrian safety. Accordingly, it is the intention of the City to establish regulations governing signs which will:
 1. Balance the burgeoning growth of Stockbridge and its interstate highway corridors with the protection and promotion of aesthetics and property values by minimizing the potential adverse effect and visual blight which may be caused by signs;

2. Ensure that Stockbridge remains an attractive community to reside and conduct business in, it is necessary to maintain a visually satisfying environment. Unregulated or underregulated signage may have an undesirable effect upon safety, vehicle and pedestrian circulation, and the well-being of the community;
3. Promote and protect the public health, safety, and general welfare;
4. Protect the character of the City's historic core and residential neighborhoods;
5. Enhance the economy of Stockbridge by promoting the reasonable, orderly and effective display of signs;
6. Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
7. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision; and
8. Promote signs compatible with their surroundings.

6.1.2 Authority

This Article is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Stockbridge, the general police powers of the City of Stockbridge and other authority provided by federal, state, or local laws applicable hereto.

6.1.3 Applicability

- A. These sign regulations shall be valid throughout the City limits and apply to all signs that are intended to be viewed, or which can be viewed from a public right of way, a private street, or adjacent property. Signs shall be erected, placed, established, painted, created, and maintained in accordance with the physical standards outlined in this Chapter. Sign placement and size regulations shall vary between districts.
- B. Some signage has a single targeted function, and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of identifying addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, directional signs are used for the sole purpose of ensuring safe movement of vehicles entering and exiting property to and from public rights-of-way, private roads, and driveways. While such signage may be referenced based upon the function it serves within the context of this Chapter, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.
- C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

6.2 Review and Approval

6.2.1 Procedures

- A. **Permit.** It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign as defined in this without a permit, except as otherwise provided in this Chapter. No permit for a sign shall be issued until a sign application is submitted and deemed complete the City.
- B. **Application.** Application for permits to install signs shall be made upon forms that are provided by the City and shall contain or have attached thereto the following information prior to being considered complete:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Address and tax map parcel number of the location of the proposed sign.
 - 3. The proposed sign type, consistent with the regulations of this Chapter.
 - 4. A sign location plan, to scale, depicting the precise location and dimensions of the proposed sign on the property in the context of all other existing improvements on the site.
 - 5. Sign renderings providing the contents, specifications, and method of construction, attachment, or installation of the sign. The renderings must also provide the precise dimensions and sign area of the sign, and an indication of whether the sign will be illuminated and details of illumination, if any.
 - 6. Name of the person or entity to physically install the sign.
 - 7. Written consent of the owner of the building or lot upon which the sign is to be erected.
 - 8. 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.
 - 9. Such other information requested by the City, as may reasonably be required for the permitting of a sign.
- C. **Expiration Date.**
 - 1. If the work authorized by issuance of a sign permit has not been initiated within ~~twelve (12)~~12 months of the date of permit issuance, or if such work does not comply with building code and construction standards as provided in this municipal code, the permit shall become null and void.
 - 2. Except as otherwise provided in this Chapter, a temporary sign permit shall authorize the display of a temporary sign only for a period of 30 consecutive days from the date of issuance. In no case shall the same premises be issued a temporary sign permit more than four times in a 12.-month period. Upon

expiration of the temporary sign permit, the permittee shall remove the temporary sign and its supporting structure.

D. Processing.

1. The City shall process all sign permit applications within ten (10) business days of the City's actual receipt of a completed application for a sign permit.
 - a. The Director shall reject any application as incomplete that does not include all items required for a sign permit application as set forth in this Chapter.
 - b. The Director shall reject any application containing any materially false statements or material omissions.
 - c. Any rejected application later resubmitted shall be deemed to have been resubmitted on the date of resubmission instead of the original date of submission.
 2. Within ten (10) business days of a completed application, the Director shall:
 - a. Issue the permit upon determination that the application fully complies with the provisions of this Chapter, building codes adopted by the City, and all other applicable laws, regulations, and ordinances of the City; or
 - b. Inform the applicant, in writing, of denial of the permit, stating the reasons why the permit cannot be issued.
 3. If the City does not process an application for a sign permit within 10 days as set forth in this article, then the application shall be considered approved; provided this approval shall not authorize the violation of any standards of the UDC regulating such sign and vests no rights in the owner of a sign erected or constructed in violation of the UDC. Any such sign in violation of the UDC shall be treated identically to a sign affirmatively approved in error by the City, vesting no rights in the sign and subject to revocation of the permit by the City under the provisions of this Chapter.
 4. Should it be determined that a sign permit was issued pursuant to an application containing a material false statement, the Director shall revoke the subject sign permit in accordance with Chapter 124, Violations, Penalties, and Enforcement and the subject sign shall be removed.
 5. The approval or denial of a sign permit by City staff may be appealed to the City Council pursuant to Chapter 119, Variances and Appeals.
- E. **Fees.** No permit shall be deemed complete, and no sign permit shall be issued until the appropriate application fees, as established by the adopted fee schedule, have been paid.

6.2.2 Construction and Maintenance

- A. All signs, together with all their supports, braces, guides, and anchors shall be kept in constant good repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given an appropriate protective coating. The area surrounding the base of all signs shall be maintained free of high weeds and debris.
- B. The City may periodically inspect signs to determine compliance.
- C. The permittee shall remove discarded or unusable paper, sign faces, parts and debris from the sign or sign structure.
- D. No permittee shall allow sign(s) to fall into disrepair. On first class mail written notice from the City to the sign owner and property owner, any sign which is in disrepair or vandalized shall be repaired or removed. The City shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal, as provided in [Chapter 110, Variances and Appeals](#).
- E. **Abandoned Signs.** On first class mail written notice from the City to the sign owner and property owner, any sign associated with a business which has ceased operations for 60 consecutive days shall be removed. The City shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal, as provided in [Chapter 110, Variances and Appeals](#).

6.3 Administration and Enforcement

6.3.1 Responsibilities

- A. **Responsible for Administration.** This Chapter shall be administered and enforced by the Director or their designee, who is also responsible for administering the receipt, review, and processing of all applications for sign permits; and all sign application requests filed with the City of Stockbridge.
- B. **Responsible for Compliance.** Responsibility for compliance with this Chapter rests upon the sign owner, the permit holder, any and all parties holding the present right of possession and control of the property whereon the sign located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control of the lot or parcel.

6.4 General Regulations

6.4.1 Generally

- A. All signs shall be in compliance with the provisions of this article, the Standard Building Code, the UDC, and the National Electric Codes as adopted.
- B. All signs shall be placed on private property, except signs erected on public property by an authorized governmental unit.
- C. No sign shall be attached to or painted on a telephone pole or power pole, or any tree, rock or other natural object.

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- D. Any sign allowed under this article may contain any message except that such messages shall not be obscene, as defined by the courts.
 - E. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
 - F. No sign or sign structure (above a height of three (3) feet) shall be maintained within 15 feet of the intersection of the extended right-of-way lines of two streets, of an intersection of a street right-of-way with a railroad right-of-way, or otherwise placed in a location that limits sight distance.
 - G. No sign or sign structure may be erected or maintained which obstructs any fire escape, window, ventilation, door or hydrant; nor shall any sign or sign structure be attached to a fire escape.
 - H. All signs located adjacent to or above a sidewalk or multi-use path shall maintain a minimum eight (8) foot clearance below. All such signs shall maintain at least one (1) foot of horizontal separation from the edge of the sidewalk or multi-use path they overhang.
 - I. **Construction Near or on a Lot Containing an Existing Billboard or Pylon.** Construction of any structure, building, or appurtenance adjacent to, or on a lot containing an interstate sign, billboard, or pylon sign under the standards of this provision shall require that:
 - 1. No buildings, structures, appurtenances, or new signs 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%)~~ 133% of the height of the sign in every direction.
 - 2. No subdivision of a parcel containing a interstate, billboard, or pylon sign shall be permitted unless the subdivided lot containing the sign is large enough to encompass the "fall zone" of such sign.

6.4.2 Prohibited Signs

- A. The following types of signs are prohibited in all zoning districts of the City:
 - 1. Abandoned Signs.
 - 2. Animated signs that incorporate frequent flashing, action, motion, or significant changes in color or light intensity.
 - 3. Aerial view signs.
 - 4. Dilapidated Signs.
 - 5. **Flashing Signs.** Signs installed for safety or control of traffic are exempt from this provision so long as they meet all physical and other standards of the Manual on Uniform Traffic Control Devices.

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6. Inflatable signs.
 7. Mobile signs.
 8. Pole or pylon signs.
 9. Roof signs.
 10. Signs imitating public warning or traffic control devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that may confuse a driver to believe such a sign to be an official public warning or traffic control device is prohibited. Any sign that uses the dimensional shape, size, colors of, or otherwise substantially imitates a public warning sign or traffic control device is prohibited.
 11. Signs or sign support structures that obstruct any fire escape, window, door, stairway, exit, utility access or opening usable for fire prevention, suppression, or connection. No sign shall interfere with any opening required for ventilation.
 12. Signs illuminated using neon.
 13. Signs that feature beacons, search lights, or lasers.
 14. Signs attached to or supported by any trees, utility pole, or similar vegetative or utility feature.
 15. Snipe signs.
 - ~~16.~~ Any other type of sign not permitted or regulated by this Chapter.
 - ~~16.~~

6.4.3 Signs Exempt from Permit Requirements

- A. The following signs are exempt from the permitting requirements of Section 6.2, Review and Approval, provided; however, that such sign shall be subject to all other provisions of this Chapter:
 1. Wall signs, window signs, and door signs, not to exceed one (1) square foot in area nor three (3) of each sign type per property.
 2. Temporary signs, not to exceed four (4) square feet in area, nor two (2) per property.
 3. Hand-held signs.
 4. Flags.
 5. Informational signs, not to exceed two (2) per property, except that parcels containing more than one licensed business may contain up to four (4) standard informational signs.
 6. Markers placed over grave sites.
 7. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, ethnic, or religious holidays, as well as national, state, and

City holidays, from one month prior to the commencement of the holiday until two weeks following its completion.

8. Property Address Signs.
 9. Signs located completely inside an enclosed space.
 10. Signs on products that are an integral part of the product, the product's packaging, and product dispensers (such as but not limited to a soft drink machine).
 11. Signs protected by federal law.
 12. Signs protected by state law.
 13. Traffic Control Devices and Signs defined by the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.
- ~~B.~~ No sign permit shall be required to change the message or copy of a changeable copy sign, provided the business or entity associated with the sign remains the same.

B.

6.5 Illumination

6.5.1 Permitted Illumination

- A. Illumination of a sign is optional.
- B. Except as authorized in this Chapter, any flashing, blinking, reflective, animated, or rotating lights, or signs with intermittent or varying intensity of artificial illumination whether deliberate or as a consequence of a defect in the sign or illumination source shall be prohibited for any and all signs.
- C. All light sources shall be shielded to prevent illumination spillover onto properties or adjacent roadways except where the light source is located or permitted under a sign plan. Signs and related fixtures shall be International Dark Skies Association Standards compliant and full cut off.
- D. No internally illuminated sign shall exceed ~~twenty (20)~~20 foot-candles of incandescent light at any point greater than ten (10) feet from the subject sign structure.
- E. Signs which are externally illuminated shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of nearby motorists or travelers so as to create a hazardous or dangerous condition.
- F. **Nonresidential and Mixed-Use.** Signs in nonresidential and mixed-use zoning districts shall satisfy the following illumination requirements:
 - 1. No sign shall be illuminated by neon lights, by lights that flash, move, change in intensity, or turn on intermittently several times per day, except for sign areas limited to a maximum of two (2) square feet per sign which may change no more than once per minute.
 - 2. To prevent glare visible from adjoining streets or properties, 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.
 - 3. Light from any illuminated sign shall not be more than 0.5 foot-candles at any boundary of the property on which the sign is placed, and must not interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
- G. **Residential.** Signs located in a residential district shall not be illuminated other than signs erected at the entrance of the subdivision or other common residential development.

6.5.2 U.L. Types

All components of an illuminated sign shall be Underwriters Laboratories, Inc. (U.L.) listed, or the equivalent thereof, with an identification label that clearly shows the manufacturer of the sign.

6.5.3 Changeable Copy

- A. Changeable Copy are allowed for monument signs for uses listed under Section 6.6.2, Non-Residential Land Uses only. The sign structure on which the Changeable Copy face is used is required to comply with Section 6.7.3, Monument Signs.
- B. Changeable Copy portions of authorized monument signs are limited to 12 square feet of the total allowable sign area.
- C. No parcel shall contain greater than one (1) changeable copy sign.
- D. Changeable copy 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.
- E. Changeable copy shall not change more than once every ~~twenty-four (24)~~24 hours.
- F. **Installer Certification.** Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set to not exceed 0.3 footcandles over ambient lighting conditions when measured at the measurement distance provided in this section and that the intensity level is protected from end-use manipulation by password protected software or other method deemed appropriate by the City.
- G. All signs shall contain a mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

6.6 Authorized Signs by Land Use

6.6.1 Residential Land Uses

- A. Only the following types of signs are allowed for residential land uses (e.g., single family, townhome, and multi-family developments, including the multi-family buildings in mixed use developments, and those portions of residential uses constructed over commercial ground floor uses):
 - 1. Monument signs limited to one per subdivision/development entrance. Monument signs may not exceed 32 square feet of sign area and six (6) feet in height.
 - 2. Window and Door Signs. Window and door signs may not exceed four (4) square feet of sign area and shall be limited to a maximum of two (2) per lot or unit.
 - 3. Property address signs.
 - 4. Flags.
 - 5. Temporary Signs. Temporary signs may not exceed 16 square feet of sign area and shall be limited to a maximum of four (4) per lot.
- B. The total of all signs shall not exceed four (4) signs of any allowed type where a single residence is on the lot.

6.6.2 Non-Residential Land Uses

All sign types identified in this UDC are permitted for commercial, office, mixed use, industrial, or civic/institutional uses in accordance with the provisions of this Chapter.

6.7 Permanent Signs

6.7.1 Generally

- 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.

6.7.2 Measurement of Sign Area

A. Area.

1. 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.

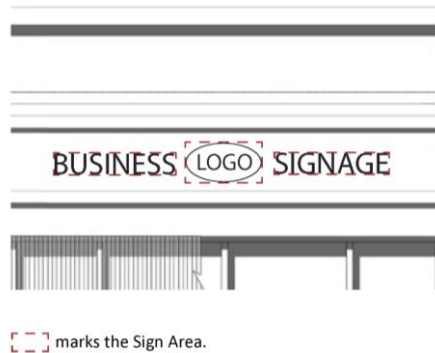


Figure 6.7.2.A.1 - Sign Area

2. If polygons established around wall signs located on the same street-oriented wall are within ~~twenty-four (24)~~24 inches or less of one another, then the area of the sign shall be measured within one (1) continuous polygon.



If "a" is less than 24", then the following method shall be used.



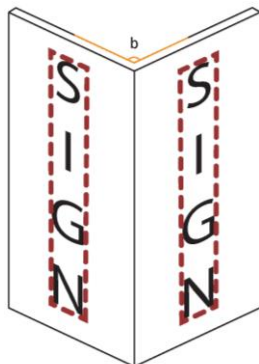
Figure 6.7.2.A.2 - Continuous Polygon

- 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.
1. 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.



Figure 6.7.2.B - 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 ~~forty-five (45)~~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 (1) time from any angle.



If the interior angle "b" is forty-five (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 (1) time from any angle.

Figure 6.7.2.D - Multi-Faced Signs

6.7.3 Monument Signs

- A. **Summary.** Table 6.7.3.A – Monument Sign Regulations Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.3 Monument Signs, the detailed regulations shall control.

Table 6.7.3.A – Monument Sign Regulations Summary				
Sign Type	Sign Area	Height	Quantity	Illumination
Monument	80 SF	8 FT	1 per lot; 1 additional for property of at least 1 acre in size	Internal, External

- B. All Monument Signs are subject to the following restrictions:
1. A monument sign shall have a three-foot landscaped area maintained at its base, which may be composed of shrubs, hedges, grass, mulch or similar ground cover.
 2. One (1) monument sign is permitted per lot.
 3. One (1) additional monument sign is permitted for any lot of at least one (1) acre in size. If one of the street frontages is on a street serving a residential strict, a second sign shall be prohibited.
 4. Street address numbers shall be posted on each face of all monument signs intended to be viewed from a public road. For monument signs that serve multiple addresses, the range of addresses and/or building numbers shall be on the face of the monument. The street address numbers shall be accurate and measure at least six (6) inches in height.
 5. No entrance sign shall be placed in the median, or between any travel lanes, of a public or private roadway or access drive.
 6. Sign Area and Height. Monument signs shall not exceed 64 square feet per sign face and a height of eight (8) feet.
 7. **Location.** Monument Signs shall be located a minimum of five (5) feet from the right-of-way and ten (10) feet from electrical transmission lines. Any signs not located adjacent to a street shall be setback a minimum of five (5) feet from property lines.
 8. **Illumination.** All Monument Signs may be externally illuminated. Monument Signs for uses listed under Section 6.6.2, Non-Residential Land Uses only may be internally illuminated.
 9. **Materials.** Monument Signs shall be constructed with a solid brick, stone, stucco, and/or architecturally masonry base. The base of the sign shall be at least wide as the sign face.

6.7.4 Building Signs

- A. Building Signs include wall, projecting, and awning sign types. Regulations apply to all building sign types when referred to as Building Signs.
- B. **Summary.** Table 6.7.4.B, ~~Building Sign Regulations Summary~~ is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.4, Building Signs, the detailed regulations shall control.

Table 6.7.4.B – Building Sign Regulations Summary		
Sign Type	Sign Area	Quantity
Wall	10% of wall face or 100 SF, whichever is less	1 per tenant, per street frontage
Projecting	24 SF	
Awning/Canopy	10% of awning or canopy space	

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- C. All Building Signs are subject to the following restrictions:
 - 1. **Method of Attachment.**
 - a. All signs shall be constructed and erected to withstand a horizontal wind load of 30 pounds per square foot in any direction together with the dead load of the construction.
 - b. Signs shall be attached in a manner that allows for their removal without adversely impacting the exterior of the subject building.
 - c. The visibility of conduit and raceways associated with a sign shall be minimized; however, if raceways must be exposed, they should be finished to match the facade or integrated into the overall design of the sign
- D. **Wall Signs.**
 - 1. **Method of Attachment.**
 - a. 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.
 - 2. **Quantity.**
 - a. One (1) wall sign is permitted per tenant or street frontage.
 - b. 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.
 - c. For corner lots, a second wall sign may be permitted facing the side street.

- d. End units of buildings on any lot may also have a second wall sign on the side of the building
- 3. **Sign Area.** Individual Wall Sign area shall not exceed 10% of any individual Wall Face or 100 square feet, whichever is less

E. Projecting Signs.

1. Method of Attachment.

- a. All projecting signs must be installed at a ~~ninety (90)~~90 degree angle to the building façade on which they are mounted.

2. Projection from Wall.

- a. No portion of a projecting sign may extend over parking spaces, drive aisles, or public rights-of-way.
- b. No projecting sign may project more than eight (8) feet from façade of the building which supports it.
- c. No projecting sign shall have a maximum height higher than the building which supports it.

- 3. **Sign Area.** Projecting Sign area shall not exceed 24 square feet per sign face.

- 4. **Quantity.** One (1) projecting sign is permitted per tenant or street frontage.

F. Awning/Canopy Signs.

- 1. **Method of Attachment.** Signs must be painted or installed directly on the valances of the awning or canopy.

- 2. **Projection from Wall.** Awnings or canopy signs must vertically clear sidewalks by at least eight (8) feet and may not extend further than one (1) foot off the curb line.

- 3. **Sign Area.** The sign area of any canopy or awning sign shall not exceed ~~ten percent (10%)~~10% of the surface area of the subject canopy or awning.

- 4. **Quantity.** One (1) awning or canopy sign is permitted per tenant or street frontage.

- 5. **Illumination.** Awning or canopy signs may be internally illuminated.

- 6. **Materials.** Signs must be of durable fabric or non-rigid material on a supporting framework.

6.7.5 Other Signs

- A. **Summary.** Table 6.7.5.A – Other Permanent Sign Regulations Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.5, Other Signs, the detailed regulations shall control.

Table 6.7.5.A – Other Permanent Sign Regulations Summary			
Sign Type	Sign Area	Height	Quantity

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Window	25% of window or door area	N/A	3 per tenant
Hand-Held Signs	N/A	N/A	N/A
Flags	24 SF	20 FT if ground mounted	3 flags per lot

B. **Property Owner Responsibility.** The property owner is responsible for installing, repairing, and maintaining signs in accordance with the requirements and regulations of this article. Signs found to be non-compliant may be subject to enforcement procedures and/or penalties as provided in this UDC.

C. **Window Signs.**

1. **Sign Area.** Window signs must not exceed ~~twenty-five percent (25%)~~ 25% of the area of the subject window or transparent door area.
2. **Quantity.**
 - a. There shall be a maximum of four (4) internal signs adjacent to internal road(s) serving the development.

D. **Hand-Held Signs.**

1. Any person supporting a hand-held sign shall remain no less than ten (10) feet away from any building, occupiable structure, street, driveway, or drive-aisle, and shall not handle the sign in a manner that may interfere with vehicular or pedestrian traffic.

E. **Flags.**

1. **Generally.**
 - a. No flag shall be installed in a manner as to impede vehicular or pedestrian traffic, nor obstruct any public road, sidewalk, or multi-use trail.
 - b. Nothing contained in this Section shall be interpreted to prohibit or restrict the right to display eligible flags as banners or signs as otherwise provided by local, state, or federal codes or regulations.
2. **Sign Area.** The flag shall not exceed 24 square feet.
3. **Quantity.** No greater than three (3) flags may be displayed on any property, except that any flags that are not reasonably visible from any nearby public or private roadways shall not be considered as contributing to the maximum number of flags permitted.
4. **Regulations for Flagpoles.**

- a. **In-ground pole.** A flag may be flown from a metal or wood pole which is permanently placed in the ground. The pole shall not exceed two and five-eighths (2 $\frac{5}{8}$) inches in diameter, nor ~~twenty (20)~~20 feet in height.
- b. **Attached pole.** 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 (6) feet in length, nor one (1) inch in diameter.

6.8 Temporary Signs

6.8.1 General Regulations

- A. Temporary Signs shall adhere to the following general requirements, unless otherwise specified:
 1. No parcel of land may host more than two (2) temporary signs at the same time.
 2. No property shall be the recipient of more than four (4) temporary sign permits per calendar year.
 3. No ground-mounted temporary sign shall exceed a height of eight (8) feet.
 4. All temporary signs shall be located a minimum of five (5) feet from the right-of-way and ten (10) feet from electrical transmission lines. Any signs not located adjacent to a street shall be setback a minimum of five (5) feet from property lines.
 5. All temporary signs shall be securely installed and satisfy all applicable life safety and building codes adopted by the City.
 6. **Permitting.** A permit is required for all temporary signs unless otherwise specified in this Chapter.

6.8.2 Summary

- A. Table 6.8.2.A – Temporary Signs Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section ~~5.8.16.4~~, General Regulations, the detailed regulations shall control.

Table 6.8 .2.A– Temporary Signs Summary			
Sign Type	Sign Area	Height	Quantity
Temporary	32 SF	8 FT if ground mounted	2 per tenant

6.9 Requirements for Master Sign Plans

6.9.1 General Regulations

- A. The intent of a 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.

- B. The Director may authorize a multi-jurisdictional master sign plan for a development that is situated within the City of Stockbridge and one (1) or more other municipalities or the unincorporated area of Henry County.
- C. All signs that are erected or maintained shall conform at all times to the approved master sign plan.
- D. 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.

6.9.2 Application

- A. An application for a master sign plan shall be made upon forms that are provided by the City. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the City to determine compliance:
 - 1. All information as outline in Section 6.2, Review and Approval;
 - 2. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not; and
 - 3. Computation of the maximum total sign area per proposed building.

6.9.3 Processing

- A. The City shall process all master sign plan applications within ten (10) business days of the City's actual receipt of a completed master sign plan application.
 - 1. The Director shall reject any application as incomplete that does not include all items required for a sign permit application as set forth in this Chapter.
 - 2. The Director shall reject any application containing any materially false statements or material omissions.
 - 3. Any rejected application later resubmitted shall be deemed to have been resubmitted on the date of resubmission instead of the original date of submission.
- B. Within ten (10) business days of a completed application, the Director shall:
 - 1. Approve the application upon determination that the application fully complies with the provisions of this Section; or
 - 2. Inform the applicant, in writing, of denial of the application, stating the reasons why the application cannot be approved.
- C. As part of the review, the Director may grant the following:
 - 1. One (1) additional monument sign; or
 - 2. Two (2) single-faced monument signs in lieu of the allowed monument sign; or
 - 3. Deviations from general standards for multi-jurisdictional master sign plans.

6.9.4 Amendments

- A. A master sign plan may be amended by filing a new master sign plan application in accordance with Section 6.9, Requirements for Master Sign Plans.

6.10 Landmark Signs

6.10.1 General Regulations

- A. Landmark signs shall be controlled by the contents of this Section when any conflict arises with the provisions of other contents of this Chapter or this ~~Code~~UDC.
- B. A landmark sign may only be designated as such by the Mayor and City Council.

6.10.2 Procedures

- A. **Application.** An application for a landmark sign shall be made upon forms that are provided by the City. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the City to determine compliance:
 - 1. A site A site plan, to scale, demonstrating all existing improvements upon the property and the precise location of the subject sign;
 - 2. A narrative statement describing how the subject sign has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art;
 - 3. Additional information as requested by the Director or their designee for the landmark sign designation process;
 - 4. All fees associated with a review must be paid in full before any application will be processed or reviewed.
- B. **Processing.**
 - 1. **Completeness Determination.** Applications will be submitted to the Director and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Section and noted in the application materials.
 - 2. **Complete Application.** Once an application has been deemed to be complete, the Director shall transmit the application to the appropriate reviewing body for review and recommendation. The Director shall notify the applicant that the application is complete.
 - 3. **Effect of Incomplete Application.** Incomplete applications will not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

C. Action by the Mayor and City Council.

1. **Consideration by the Mayor and City Council.** All rezoning applications shall be considered by the Mayor and City Council at a public meeting.
2. **Standards and Criteria.** The Mayor and City Council shall review and make recommendations on the proposed landmark sign application based upon the standards in Section 6.10.3, Review Standards for ~~Landmark Signs~~ Landmark Sign.
3. **Actions by the Mayor and City Council.** Following the public meeting, the Mayor and City Council shall take one of the following actions:
 - a. Approve;
 - b. Approved with conditions; or
 - c. Denied.

6.10.3 Review Standards for a Landmark Sign

- A. When reviewing an application for a landmark sign, all the criteria listed below shall be considered
 1. The subject property does not contain greater than one (1) other landmark sign;
 2. The subject sign does not measure greater than 150 square feet in sign area;
 3. The subject sign does not cause a hazard to public safety or nearby travelers;
 4. The subject sign was completely installed no less than ~~twenty (20)~~20 years prior to the intended date of designation; or
 5. The subject sign has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art.

6.10.4 Revocation

- A. Following the designation of a landmark sign, the subject sign shall retain this designation indefinitely. The Mayor and City Council may revoke landmark sign designation if one or more of the following occurs:
 - A. The subject sign is removed or relocated from the position it was in at the time of designation, except for minor positioning adjustments necessitated by factors such as utility work or building or structure maintenance or repair; or
 - B. The subject sign has been substantially altered in a way that eliminates its historic or culturally significant character.
- B. Replacement of lighting, electrical, structural, and mechanical components with modern equivalents shall not be considered a substantial alteration in and of itself.

6.11 Variances

Mayor and City Council are authorized to grant variances from this Chapter pursuant to the procedures and requirements of Chapter 119, Variances and Appeals.

6.12 Nonconforming Signs

- A. The following provisions shall apply to signs which, on the effective date of this Chapter, were approved and legally erected under previous sign restrictions and which became nonconforming with respect to amendments to the text of this Chapter adopted after sign approval:
 - 1. A nonconforming sign shall not be altered except in compliance with the provisions of this Chapter.
 - 2. Minor repairs and maintenance to non-conforming signs, such as the repair or replacement of paint or electrical components, shall be permitted as long as no repair exceeds 50% of the value of the sign as determined by the City.
 - 3. A nonconforming sign shall not be replaced by another sign except for one which complies with the requirements of this Chapter.
- B. The message or face of changeable sign areas on nonconforming signs shall be permitted.
- C. Lawfully nonconforming signs must be removed from a site when any of the following conditions occur:
 - 1. 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.
 - 3. The sign has been damaged or destroyed to such extent that more than minor repairs (greater than ~~fifty percent (50%)~~ 50% of the replacement cost of the existing sign) or a structural change is required to restore the sign.

CHAPTER 7: NONCONFORMING STANDARDS

7.1 Purpose and Intent

- A. Within the districts established by the City of Stockbridge UDC, and in other provisions and amendments thereto, there exist lots of record, uses of property, structures, buildings, and other improvements and features that were lawfully established prior to the adoption or amendment of this Code, but that would be prohibited under its current terms or future amendment. They are collectively referred to herein as “nonconforming situations.”
- B. The intent of this section is to allow such nonconformities to continue until they are removed or discontinued, while protecting the public health, safety, and welfare. This

section is not intended to facilitate their enlargement or expansion, nor be used as grounds for creating lots or adding structures or uses prohibited in a particular zoning district.

7.2 Determination of Lawful Nonconforming Situations

- A. Nonconforming lots of record are lots which have an area, frontage, or other characteristic that does not conform to the requirements of the underlying zoning district and/or the broader Code. In the circumstance that land is taken from a lot of record for public purposes, such as eminent domain, and causes the lot to become substandard, it shall be considered a lawful nonconforming lot of record if it otherwise meets the definition of a lot of record.
- B. Nonconforming uses of property are land uses, whether primary or accessory, which do not conform to the land use requirements of the underlying zoning district.
- C. Nonconforming structures and buildings are those which do not satisfy the underlying area, dimensional, architectural, or height requirements of the underlying zoning district and/or the broader Code.
- D. Nonconforming improvements and features are site elements which do not conform to the current setback, dimensional, lot coverage, or yard positioning requirements of the underlying zoning district and/or the broader Code.
- E. The burden of proving a nonconforming situation was lawfully established is that of the subject property owner. A preponderance of evidence shall be provided by the subject property owner to prove lawful establishment of the nonconforming situation, and also to indicate its continuity, meaning documented, ongoing use or operation without interruption for a period exceeding that allowed lapse under this UDC.
 - 1. Continuity shall be evaluated on the basis of objective, verifiable documentation showing that the nonconforming use or structure remained active, occupied, maintained, or otherwise in operation during the relevant period. Examples of acceptable documentation may include building permits, certificates of occupancy, aerial imagery, tax records, utility records, or other similar records that substantiate continuous activity.
 - 2. The Community Development Director shall determine whether adequate proof of nonconforming status and continuity has been provided for a given situation.

7.3 Nonconforming Lots of Record

- A. An undeveloped, nonconforming lot of record shall be developed pursuant to any City approved recorded plats or conditions of zoning. In the case these are not applicable, the lot may be developed pursuant to the requirements of the underlying zoning district.

- B. Two (2) or more abutting nonconforming lots of record may be combined into a single lot, provided the resultant lot meets all applicable dimensional standards of the underlying zoning district.
- C. A lawful structure or building upon a nonconforming lot of record shall be allowed to continue in its current condition, and may be expanded or altered, to become compliant, pursuant to the requirements of the underlying zoning district.
- D. Nothing in this chapter shall be construed as to prevent the routine maintenance and care of any existing building or structure upon a nonconforming lot of record, nor to confer any variance, exception, or waiver upon a site.

7.4 Nonconforming Buildings and Structures

- A. Nothing in this section shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming buildings or structures, provided all of the following circumstances exist:
 - 1. Repairs do not exceed ~~twenty-five percent (25%)~~ 25% of the value of the nonconforming building or structure as it existed immediately before the repair.
 - 2. Neither the floor area nor the footprint of the subject building or structure is increased.
 - 3. The Community Development Director may approve minor deviations from dimensional standards when necessary to accommodate routine maintenance or repair, provided that:
 - a. The deviation does not increase the degree of nonconformity; and
 - b. The deviation does not exceed five percent (5%) of the applicable dimensional standard.
- B. Any building or structure damaged by any means to an extent more than ~~fifty percent (50%)~~ 50% of its value, as assessed immediately before the time of damage, shall no longer be considered a lawfully nonconforming building or structure.
- C. Any building or structure damaged by any means to an extent less than ~~fifty percent (50%)~~ 50% of its value immediately before the time of damage may be repaired or rebuilt to that state, provided that restoration efforts shall commence within eight (8) months from the first day the damage occurred.
 - 1. Repairs and rebuilding of a nonconforming building or structure that commences more than eight (8) months after the first day of damage shall cause the subject building or structure to conform to the requirements of this ~~Code~~ UDC.
- D. The alteration, expansion, or modification of any lawfully nonconforming building or structure that is occurring for reasons unrelated to damage shall be prohibited unless said alteration, expansion, or modification would bring the subject building or structure into full compliance with the requirements of this ~~Code~~ UDC.

- E. Any nonconforming building or structure relocated any distance for any reason shall be brought into compliance with the standards of the underlying zoning district to which it is relocated.

7.5 Nonconforming Uses of Property

- A. A lawfully established land use that becomes nonconforming upon or after the effective date of this UDC may continue to function in accordance with all of the following requirements:
 - 1. The subject site, and subsequent improvements thereon, shall remain otherwise lawful.
 - 2. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the UDC making such use nonconforming.
 - 3. Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of adoption or amendment of the UDC making such use nonconforming.~~No nonconforming use of land shall be relocated, in whole or in part, onto any other portion of the lot than was occupied prior to the date of adoption or amendment of the UDC making such use nonconforming.~~
 - 4. The discontinuance of a nonconforming land use, regardless of reason or cause, for greater than six (6) months shall cause the subject nonconforming land use to lose its lawful status. Any subsequent use of the land shall comply with the requirements of the underlying zoning district.

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7.6 Nonconforming Improvements and Features

- A. Nonconforming improvements and features are site elements that generally cannot be occupied and are secondary to the main building upon the subject property. These objects include, but are not limited to, the following:
 - 1. Fences, walls, and gates.
 - 2. Dumpsters and dumpster enclosures.
 - 3. Vehicle parking areas.
 - 4. Driveways and access provisions.
 - 5. Exterior site lighting equipment.
 - 6. Swimming pools.
 - 6-7. Sidewalks, multi-use paths, or trails.

B. No change to any nonconforming site improvement or feature shall be made which increases the degree of nonconformity with the requirements of this UDC; however, changes may be made which result in the same or a lesser extent of nonconformity.

C. Any addition to buildings or structures on the site or reconstruction of buildings or structures on the site occur, any existing nonconforming improvements or features shall no longer be considered a lawfully nonconforming improvement or feature.

D. Any improvement or feature damaged by any means to an extent more than 50% of its value, as assessed immediately before the time of damage, shall no longer be considered a lawfully nonconforming improvement or feature.

E. Any improvement or feature damaged by any means to an extent less than 50% of its value immediately before the time of damage may be repaired or rebuilt to that state, provided that restoration efforts shall commence within eight (8) months from the first day the damage occurred.

B.1. Repairs and rebuilding of a nonconforming improvement or feature that commences more than eight (8) months after the first day of damage shall cause the subject building or structure to conform to the requirements of this UDC.

G.F. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking or effectively cause an improvement or feature to be closer to a property line, the deficiency thus created shall be construed as lawfully nonconforming.

D.G. Nonconforming signage and sign structures, and any proposed improvements to such sign structures, shall be governed by Chapter 6, Sign Standards, unless otherwise specified in this Ordinance.

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7.7 Termination of Detrimental Nonconforming Situations

B.A. Fences, walls, and vegetation that constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming to this UDC or removed within 60 calendar days of notice by the City. Such notice shall follow the procedures found in Article 12, Violations, Penalties, and Enforcement.

7.8 Nonconforming Manufactured Homes

A. A manufactured home that was lawfully installed may be replaced with a new manufactured home, provided the replacement manufactured home is installed on the subject site within ~~twelve (12)~~12 months of the date of removal of the existing unit.

1. The replacement manufactured home shall meet all applicable health and safety standards and be completed in accordance with O.C.G.A § 36-66-7 et seq.

2. In addition to the requirements above, the replacement manufactured home shall comply with all applicable installation requirements contained elsewhere in this UDC.

CHAPTER 8: REVIEW BODES AND ADMINISTRATORS

8.1 Review Bodies

8.1.1 Purpose

The purpose of this chapter is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the following review bodies:

- A. Planning Commission
- B. Historic Preservation Commission
- C. Governing Body
- D. All Review Bodes shall:
 1. Act in a manner consistent with the City of Stockbridge Comprehensive Plan, Unified Development Code, City Code of Ordinances, Parks Master Plan, Trails Plan, adopted small area plans, to include LCIs and Strategic Plans, and other officially adopted plans and studies.
 2. Consider impacts on community character, aesthetics, and sense of place, including signage, gateways, and public realm features, when making recommendations.
 3. Support phased implementation of adopted plan goals and action items, including monitoring progress and recommending amendments as needed.

8.2 Planning Commission

8.2.1 Creation

The City of Stockbridge Planning Commission is hereby established and shall be referred to hereinafter as the Planning Commission.

8.2.2 Membership

- A. All members of the Planning Commission shall be appointed by the Mayor and City Council. The number of members of each body, and the qualifications of such members are specified in the provisions of this Chapter with respect to such body.
- B. **Qualifications.** 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 Vinson Institute, or another organization recognized by

the State of Georgia or the City within one (1) year of appointment. Failure to complete required training within the specified timeframe may constitute grounds for removal.

C. Application Disclosure and Membership Restrictions.

1. Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.
2. No member of the Planning Commission may be a City of Stockbridge employee, hold any elected or appointed City office, or serve the City in any other compensated or uncompensated capacity during their term of service on the Planning Commission.

D. Composition.

1. The Planning Commission shall be composed of six (6) qualified members.
2. The Community Development Director or their designee shall serve as ex officio, non-voting staff liaison to the Planning Commission.

E. Term of Office. All members shall be appointed for a term of four (4) years; provided however, that in the initial appointment, approximately one-half 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.

F. Compensation. Each member shall be compensated in a manner prescribed by the Mayor and City Council.

8.2.3 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 Community Development Director shall appoint a designated employee from the department to serve as the secretary of the Planning Commission.

8.2.4 Meetings and Rules of Procedure

A. Meetings.

1. **Regular Meetings.** The Planning Commission shall meet on the third Thursday of each month at 6:30 p.m., or as established by the Planning Commission due to holidays and unforeseen circumstances. Meetings may be held in person, virtually, or in a hybrid format as permitted by state law and City policy, provided public access and participation are maintained.
2. **Special Meetings.** Special meetings may be called by the Chair of the Planning Commission or a majority of the members of the Planning Commission.

- B. **Minutes and Public Records.** The secretary of the Planning Commission shall keep minutes of its proceedings, recording the presence or absence of members and the vote of each member.
- C. **Meetings and Hearing to the Public.** All meetings and hearings of the Planning Commission shall be open to the public.
- D. **Public Notice.** Public notice of Planning Commission meetings shall be provided as required for each application type as provided in Chapter 10, Public Hearing Application, Review Procedures.
- E. **Quorum.** Four (4) of the appointed 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.
- F. **Consideration of Applications and Other Actions.** The Planning Commission may take action or make a decision or other determination by majority vote of the quorum present at the meeting. Both the Chair and Vice Chair, when in attendance, are authorized to vote on the decision.
- G. **Appeal.** The City Clerk shall be authorized to accept service for any appeal.

8.2.5 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 public record.

8.2.6 Powers and Duties

The Mayor and City Council hereby create the Planning Commission with the following powers and duties:

- A. **General Authority.**
 - 1. The Planning Commission shall perform duties as directed by the governing body.
 - 2. The Planning Commission may exercise additional powers as may be described elsewhere in this UDC, as applicable.
- B. **Review Authority.** With respect to this UDC, the Planning Commission shall review and make recommendations to the Mayor and City Council regarding:
 - 1. Zoning Map Amendments;
 - 2. Text Amendments;
 - 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 - 4. Variances;
 - 5. Special Use Permits;

6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and
 8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Final Authority.** With respect to this UDC, the Planning Commission shall be an advisory board only.

8.3 Historic Preservation Commission

8.3.1 Creation

The City of Stockbridge Historic Preservation Commission is hereby established and shall be referred to hereinafter as the Historic Preservation Commission.

8.3.2 Membership

- A. All members of the Historic Preservation Commission shall be appointed by the Mayor and City Council. The number of members of each body, and the qualifications of such members are specified in the provisions of this Chapter with respect to such body.
- B. **Qualifications.**
 1. The Historic Preservation Commission membership shall include, unless otherwise approved by the Mayor and City Council, at least three (3) individuals with disciplines in architecture, history, architectural history, planning, archaeology, and related professions.
 2. In order to be qualified, all members shall be residents of the City and individuals who have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources.
- C. **Disclosure.** Applicants for appointment to the Historic Preservation Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.
- D. **Composition.**
 1. The Historic Preservation Commission shall be composed of five (5) qualified members.
 2. The Community Development Director or their designee shall serve as ex officio, non-voting staff liaison to the Historic Preservation Commission.
- E. **Term of Office.** All members shall be appointed for a term of three (3) years; provided however, that members may not serve more than two (2) consecutive terms. To achieve staggered terms, in the initial appointment, one (1) member shall serve for one (1) year, two (2) members shall serve for two (2) years, and two (2) members shall serve for three

(3) years. An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

- F. **Compensation.** Each member shall be compensated in a manner prescribed by the Mayor and City Council.

8.3.3 Officers

- A. The Historic Preservation 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 Community Development Director shall appoint a designated employee to serve as the secretary of the Historic Preservation Commission.

8.3.4 Meetings and Rules of Procedure

- A. **Meetings.**
 - 1. **Regular Meetings.** The Historic Preservation shall meet on the third Wednesday of each month at 6:30 p.m., or as established by the Historic Preservation Commission due to holidays and unforeseen circumstances. Meetings may be held in person, virtually, or in a hybrid format as permitted by state law and City policy, provided public access and participation are maintained.
 - 2. **Special Meetings.** Special meetings may be called by the Chair of the Historic Preservation Commission or a majority of the members of the Historic Preservation Commission.
- B. **Minutes and Public Records.** The secretary of the Historic Preservation Commission shall keep minutes of its proceedings, recording the presence or absence of members and the vote of each member.
- C. **Meetings and Hearing to the Public.** All meetings and hearings of the Historic Preservation Commission shall be open to the public.
- D. **Public Notice.** Public notice of Historic Preservation Commission meetings shall be provided as required for each application type as provided in Chapter 10, Public Hearing Application, Review Procedures.
- E. **Quorum.** A majority of the appointed members shall constitute a quorum for the transaction of business. All rules, policies and procedures governing the Historic Preservation Commission shall be hereinafter governed by this requirement.
- F. **Consideration of Applications and Other Actions.** The Historic Preservation Commission may take action or make a decision or other determination by majority vote of the quorum present at the meeting. Both the Chair and Vice Chair, when in attendance, are authorized to vote on the decision.
- G. **Appeal.** The City Clerk shall be authorized to accept service for any appeal.

8.3.5 Rules and Operating Procedures

- A. The Historic Preservation Commission shall follow any by-laws and rules for the transaction of business adopted by the Mayor and City Council.
- B. The Historic Preservation Commission shall maintain a record of its resolutions, transactions, findings, and determinations, which record shall be public record.

8.3.6 Powers and Duties

The Mayor and City Council hereby create the Historic Preservation Commission with the following powers and duties:

A. General Authority.

- 1. The Historic Preservation Commission shall perform duties as directed by the governing body.
- 2. The Historic Preservation Commission may exercise additional powers as may be described elsewhere in this UDC, as applicable.

B. Duties.

- 1. With respect to this UDC, the Historic Preservation Commission shall be responsible for the following duties:
- 2. Prepare and maintain an inventory of property having the potential for designation as historic property;
- 3. Restore or preserve historic properties acquired by the City;
- 4. Promote the acquisition by the city of façade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., § 44-10-1 et seq.);
- 5. Conduct educational programs on historic properties located within the city and on general historic preservation activities;
- 6. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- 7. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
- 8. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
- 9. Perform historic preservation activities as the official agency of the Stockbridge Historic Preservation Program;
- 10. Employ persons, if necessary, to carry out the responsibilities of the Historic Preservation commission;

11. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Historic Preservation Commission shall not obligate the City without prior consent from City Council;
 12. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
 13. Participate in private, state, and federal historic preservation programs and with the consent of the City Council, enter into agreements to do the same.
- C. **Review Authority.** With respect to this UDC, the Historic Preservation Commission shall review and make recommendations to the Mayor and City Council regarding:
1. Specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts; and
 2. The designation of any district, site, building, structure, or object as a historic property or historic district should be revoked or removed.
- D. **Final Authority.** The Historic Preservation Commission shall be responsible for final action regarding:
1. Certificates of Appropriateness; and
 2. Historic properties or buildings identified as deteriorating by neglect.

8.4 Governing Body

8.4.1 Purpose

The purpose of this section is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the governing body, the Mayor and City Council of Stockbridge, Georgia.

8.4.2 Powers and Duties

- A. **General Authority.** The Mayor and City Council shall have the powers and duties listed below, in addition to those provided elsewhere in the City of Stockbridge Charter, Code of Ordinances, the Georgia Constitution, Georgia General Session Laws, and applicable federal and local laws.
- B. **Final Authority.** The Mayor and City Council shall be responsible for final action regarding:
1. Zoning Map Amendments;
 2. Text Amendments;
 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 4. Variances;
 5. Special Use Permits;

6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and
 8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Appointments.** The Mayor and City Council shall appoint members of review bodies, as required by this UDC.

8.5 Community Development Director

8.5.1 Defined

The Community Development Director shall be the head of the Planning and Zoning Division, as well as other divisions of the Community Development Department, and shall be responsible for administration and enforcement of this UDC.

8.5.2 Delegation of Authority

The Community Development Director may delegate any of their authority or responsibility under this UDC by designating one or more City staff members to execute such authority.

8.5.3 Powers and Duties

With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:

- A. **General Authority.**
1. The Community Development Director shall perform related duties as directed by Mayor and City Council; and
 2. The Community Development Director shall have the powers and duties listed below, in addition to those provided elsewhere in this UDC and other City of Stockbridge Code, as applicable.
- B. **Review Authority.** With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:
1. Zoning Map Amendments;
 2. Text Amendments;
 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 4. Variances;
 5. Special Use Permits;
 6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and

8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Final Authority.** With respect to this UDC, the Community Development Director shall be responsible for final action regarding:
 1. Chapter ~~14~~3, Subdivisions;
 2. ~~Chapter 11~~Section 11.2, Administrative Variances;
 3. ~~Chapter 10~~Section 10.8, Tier 1 Waivers; and
 4. Other duties specified elsewhere by this UDC.

CHAPTER 9: ADMINISTRATIVE DEVELOPMENT PROCEDURES

9.1 Purpose and Intent

- A. This UDC sets forth procedures for receiving, reviewing, and rendering decisions for the development of any property in the City of Stockbridge. This UDC also sets forth the requirements for appealing decisions and enforcement. The procedures and requirements set forth in this UDC shall be followed in seeking approval of any development. The purpose of this UDC is to establish procedures and standards for the development and subdivision of land. This Chapter aims to achieve the following:
 1. Orderly growth and development of new and redeveloped neighborhoods.
 2. Coordinate streets within proposed neighborhoods with existing or planned streets and other public facilities.
 3. Distribute population and traffic in a manner that will mitigate congestion and overcrowding.
 4. Dedicate or reserve parks, greenspaces, and recreational areas, accessible to all residents to serve as community focal points.
 5. Set standards for landscaping and detailing of the public domain of streets, parks, and squares to promote pedestrian oriented atmosphere and civic awareness.
 6. Provide for pleasing visual environments to ensure public health, safety, and the general welfare to residents of the City.
 7. To facilitate adequate provision for water, sewer, and stormwater management facilities; dedication of rights-of-way or easements for streets and utility purposes; proximity of residential areas to employment centers and shopping; further subdivision of larger tracts into smaller parcels; proper land records for public convenience; and permanent identification of real property boundaries.
 8. To protect and enhance the quality of the natural environment of the City by encouraging preservation and protection of significant existing trees, assisting in natural control of solar heat, reducing development impacts on storm drainage, assisting in soil conservation and flood control, reducing air emissions and noise,

conserving local water supply, and enhancing the visual and aesthetic appearance of the community.

9.2 Permits

- A. No construction or installation of improvements shall commence in any development until the land disturbance permit has been approved and all applicable preliminary plats, construction plans, and specifications have been approved by the appropriate authorities.
- B. No development permit shall be issued for the disturbance or construction of any lot until all requirements of this UDC have been met, unless otherwise provided in this UDC.
- C. No building permit shall be issued for the erection of any building or structure until all requirements of Title 8, Chapter 8.08 of the City of Stockbridge Code of Ordinances are satisfied and until a Certificate of Appropriateness has been issued, if applicable.
- D. Development, building, and other permits shall only be issued for development on lots of record as defined by this UDC.
- E. No permits shall be issued on lots described only by metes and bounds.
- F. All development activities or site work conducted following the approval of a subdivision plat or development plan shall conform to the specifications of the approved plans.

9.2.1 Expiration, Changes, and Extensions

- A. **Application Expiration.** An application for land development permit shall expire ~~twelve (12)~~12 months after the issuance of the latest letter or comments of permit revisions or approval. The application will not expire within ~~twelve (12)~~12 months if the inactivity is a result of a pending review from an external agency outside the applicant's control.
- B. **Issued Permit Expiration.** An issued development permit remains valid for the duration of the project subject to the following time restrictions:
 - A. Development permits expire ~~twelve (12)~~12 months from the date of issuance if no activity has been initiated on the project; or
 - B. If ~~twelve (12)~~12 months elapses between observed activity during proactive inspections.
- C. **Issued Permit Expiration Extension.** The Community Development Director is authorized to grant an extension of a development permit for a period of not more than six (6) months. To request an extension, the owner or developer shall submit a written request to the Director no later than ~~thirty (30)~~30 days after expiration. The Director is authorized to grant only one, one-time extension request for the subject development permit.
- D. A lapse in or suspension of application or development activity that is the direct result of action or inaction by the City of Stockbridge or an external review authority and for

reasons outside the control of the applicant will not be considered a lapse in activity causing the development permit to expire.

- E. Changes to a previously approved development plan shall require formal re-approval prior to commencement of development activities, except for the following circumstances:
 - A. Repairs to a facility that is part of a previously approved and permitted development.
 - B. Accessory structures, provided applicable permits are obtained.

9.2.2 Application Review and Completeness

- A. All applications for development permits and building permits in the City shall submit a completed application form and copies of plan sets along with required review fees, as required by the instructions on the form or informational materials provided by the Community Development Department. Partial, incomplete, or unassembled submittals or resubmittals shall be rejected.
- B. Application materials shall be distributed as provided below:
 - 1. Upon determination of a completed application packet, the Department shall distribute the application for review to internal City departments. If external agency reviews are required, the Department shall direct applicants to the external agency for review.
 - 2. City reviews and external agency reviews may occur concurrently, but the City shall not issue any permits until the external agency approval is received.
 - 3. A traffic impact study may be required as part of a development permit review for projects that meet any threshold in Section 16.1, Multimodal Traffic Impact Studies.
- C. The Department shall determine whether an application is complete and notify the applicant within five (5) business days of receipt.
- D. If the Department determines that the application is not complete, it shall send notice to the applicant identifying the deficiencies. The applicant shall have ~~thirty (30)~~30 calendar days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken. If the applicant fails to correct the deficiencies within the thirty-day period, the application shall be deemed withdrawn, and fees shall be forfeited.
- E. If the Department determines that the application is complete, the application shall be processed for review and action.
- F. Any checklists provided by the City are intended as a guide and convenience for the applicant. Approval or required revisions are based solely on whether the submittal meets the requirements of this UDC.

- G. No development or building permit shall be issued prior to project acceptance by the water and wastewater service provider. The City may require submission of a capacity letter, will-serve letter, utility approval letter, executed service agreement, or other documentation deemed acceptable by the service provider.
- H. No development or building permit shall be issued prior to full payment of all applicable fees as determined and periodically adjusted by the City.
- I. In addition to the requirements of this chapter, applications shall comply with Title 8, Chapter 8.08 of the City of Stockbridge Code of Ordinances, as applicable.

9.2.3 Authority and Applicability

- A. The Community Development Director oversees issuance of all development permits to ensure site work conforms to federal, state, and local regulations.
- B. The Director shall have the authority to approve, approve with conditions, or deny the application.
- C. A development permit is required for land disturbance activity including, but not limited to, clearing and grubbing, dredging, grading, excavating, filling, storage, and construction of improvements such as streets, parking facilities, driveways, access drives, stormwater drainage facilities, sidewalks, or other permanent structures placed on or in the property.
- D. Water and sanitary sewer system improvements shall be authorized by the utility provider; however, utility placement and land disturbing activities associated with utility work shall be reviewed and permitted by the City to ensure compliance with affected Code standards that may be affected by the construction of such utilities.

9.2.4 Development Plan Components

- A. All documents submitted as part of an application for land disturbing activity shall abide by the requirements of this subsection. Any submittal that does not satisfy one or more requirements shall be rejected unless the requirement does not apply to a particular submittal.
 - 1. Drawings, except final plats and as-built plats, may be submitted as digital files.
 - 2. All drawings shall contain the dates of preparation and any revisions.
 - 3. All drawings shall be at the same scale and shall be a minimum of one (1) inch equals ~~one hundred (100)~~100 hundred feet.
 - 4. Drawing sheets shall be uniform in size, no larger than ~~twenty-four (24)~~24 inches by ~~thirty-six (36)~~36 inches and shall be uniform in size for a submittal.
 - 5. All drawings shall contain a graphic and written scale and a north arrow.
 - 6. All drawings shall contain the name, address, and telephone number of the preparer(s), property owner(s) and developer(s).

7. 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.
8. All drawings shall contain the seal and signature of the licensed professional preparing the drawings and computations.
9. All development plans shall be accompanied by a stormwater management plan meeting the requirements of Chapter 17, Stormwater Management of this UDC.
10. If the subject development proposal would directly disturb a regulatory floodplain, an engineering study and a floodplain management plan shall be provided, in compliance with the requirements set forth in Chapter 15, Environmental Protection of this UDC.
11. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Chapter 4, Development Standards of this UDC. The plan shall identify all trees, natural features, and manmade structures that will be retained upon the site, and describe proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.
12. If the subject development proposal would contain protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection in Chapter 4, Development Standards of this UDC.
13. Applications for new or expanded mines or quarries shall provide information necessary to demonstrate compliance with State and Federal laws and regulations.
14. The applicant shall submit two (2) copies of construction improvement plans to the Henry County Water and Sewer Authority (HCWSA), or to the appropriate agency which supplies water and sewer services to the subject property.
15. 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 twenty-four-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 14 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 Chapter 15, Environmental Protection of this UDC and the requirements in the current edition of the Manual for Erosion and Sediment Control in Georgia.
- h. Provide the following 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.

9.2.5 Development Plan Review Specifications

- A. The applicant shall submit the number of copies of development plans, supporting data, and supporting plans as specified by the City. All documents submitted as part of an application for land disturbing activity shall meet every specification provided in this subsection. Any submittal that does not satisfy one or more of the requirements herein shall be rejected by the City unless the subject requirement does not apply to a particular submittal.
 - 1. All information needed to demonstrate compliance with the site design and development standards in this UDC.
 - 2. Depiction of existing land uses on adjacent parcels.
 - 3. Draft of proposed covenants or deed restrictions to be imposed on the site.
 - 4. Current zoning designation(s) of the site, including any conditions of zoning the any portion of the property is subject to.
 - 5. The property owner name(s), zoning designations, and tax map parcel numbers of all adjacent parcels.
 - 6. Total site area as measured in acres (minimum precision: the nearest hundredth acre) and square feet (minimum precision: the nearest square foot).
 - 7. Topographic contours and vertical intervals of not more than two (2) feet.

8. Soil conditions pursuant to the U.S. Soil Conservation Service Classifications Manual.
9. Proposed gross residential density and net residential density of the development.
10. Lot layout, 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 developments, 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. Depict 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 one hundred-year flood hazard, including contour elevations, and geologic features, and other protected environmental features, as set forth in [Chapter 15, Environmental Protection](#), including an outline of wooded areas, vegetation, and surface drainage, together with information on methods for protection of natural features as required in this UDC. 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 one-hundred-year flood hazard area shall be shown. In addition, the foundation elevation that is a minimum of three (3) feet above the established one-hundred-year flood evaluation shall be shown. This data may be provided either on the layout or in tabular form.
16. Depiction of required stream buffers and setbacks on the property. Provide detailed plans of all proposed development in the buffer and of all proposed impervious cover within the setback.
17. 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.
18. Proposed buffers, landscaping, and tree protection areas and zones. This shall include the location, size, and type of proposed plant materials.

19. Location of all proposed buildings, with indication as to how they will be used (commercial, industrial, recreational or public facility).
20. Details regarding other proposed structures or additions to existing structures, including accessory structures and signs.
21. The configuration and names of proposed roads, alleys, sidewalks, trails, and multi-use paths, with width of pavement and rights-of-way. Total linear feet of proposed roads (per phase and total) shall be indicated.
22. Construction plans of streets including typical cross-section and grade profiles, showing the percent of each grade and length of each vertical curve.
23. Show the centerline stopping distance for all points of access onto public roads and posted speed limits on existing roads.
24. 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 Chapter 16, Infrastructure Improvements.
25. Construction plans of sanitary sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.
26. 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 one-hundred-year storm event. All storm pipes within any City right-of-way shall be approved by the City.
27. Construction plans of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
28. Final contours; street profiles may suffice in indicating cut and fill volumes; however, in many cases, final contours must be shown on the plans.
29. Any structural practice used shall be explained and illustrated with detail drawings.
30. Permanent reference monuments shall be depicted and guaranteed by use of steel pins not less than one-half ($\frac{1}{2}$) inch in diameter and ~~thirty (30)~~ 30 inches long, with a survey marker cap showing the land surveyors registration number shall be set at all lot corners. Any monuments disturbed by construction or grading shall be reset by the prior to the conclusion of development activities.
31. A demolition plan, if any existing structures or buildings are proposed for partial or total demolition, removal, or relocation.

32. All of the following notes must be prominently provided on the plan set:

- a. A ~~twenty-foot~~20 foot 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 [the] 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 "tenax" (or similar type fencing); and shall be submitted to the City for approval prior to grading.
- B. Any project to be developed in phases shall provide all information for the total site and for each phase.
- C. Applications for development plans within each watershed protection area identified and regulated in Chapter 15, Environmental Protection 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 one-hundred-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 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.
- D. The Director of Community Development shall cause for the applicant to be notified of any application deficiencies pursuant to the requirement of this subsection, and the changes necessary to achieve compliance.
- E. A soil erosion and sedimentation control plan, when in compliance with the standards for erosion and sedimentation control as set forth in Chapter 15, Environmental Protection of this UDC shall be approved prior to issuance of a permit for land development activity.

9.2.6 Pre-Construction Meeting Required

- A. Prior to commencement of site grading, the applicant shall arrange a pre-construction conference with appropriate City of Stockbridge staff. The meeting shall include review of the soil erosion and sedimentation control plan, street cross-sections and profiles, construction specifications, inspections and testing procedures, stormwater drainage and detention facilities, and other matters concerning the development. The applicant shall provide names, telephone numbers, addresses, and business license numbers of all contractors and subcontractors employed on the job.
 - 1. A separate pre-construction meeting is required with the Henry County Water and Sewer Authority prior to any water or sanitary sewer installation.
- B. A development permit shall be issued only after approval of construction improvement plans and the soil erosion and sedimentation control plan. Site grading shall be limited only to areas clearly defined in approved plans. Site grading without an approved soil erosion control plan and development permit is a violation of this UDC and shall result in enforcement penalties as provided in Chapter 12, Violations, Penalties, and Enforcement.

9.2.7 Permitting Requirements

- A. All applications for land development activities shall be completed on forms provided by the City.
- B. Applications shall be accompanied by payment of fees as required by each department's most recently approved fee schedule.
- C. No development permit shall be approved absent the submission of a scaled site plan that depicts lot boundaries, all existing conditions, and all proposed improvements.
- D. The disturbance of land for solely residential development shall not begin prior to a site inspection by the City. The inspection must yield an affirmative result and confirm compliance with this UDC before disturbance activities may commence. Additional inspections may be made, as necessary at the discretion of the City, in order to verify compliance with the requirements of this UDC.
- E. The disturbance of land for purposes other than solely residential development shall satisfy all of the following requirements.
 - 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. 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.
 3. 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 to the application and plan to the district.
 4. Identification of any violations of previous permits, the requirements of Chapter 15 of this Code, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration.
 5. Proof of irrevocable letter of credit.
- F. Proof of payment of all ad valorem taxes levied against the property.
- G. For development requiring the recordation of a final plat, no development permit shall be issued until the Community Development Department has received a copy of the recorded plat bearing the recording information of the Clerk of Superior Court. The applicant shall be responsible for providing said copy.
- H. Any development permit may be suspended, revoked, or modified by the Director of Community Development, 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 UDC. 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.

9.3 Timber Harvesting

- A. Applications for timber harvesting are subject to the requirements provided below:
 - 1. A parcel that has been declared silvicultural shall provide all of the information as part of an application to harvest or remove timber.
 - 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 Chapter 16, Infrastructure Improvements of this UDC.
 - c. A commitment to follow the Georgia Forestry Commission "Best Management Practices."
 - d. A commitment to reforestation of the site.
 - 2. Upon approval by the City, a combined timber removal and logging permit shall be issued.
- B. Land designated for silvicultural activities may subsequently be developed, provided that a development plan has been prepared and approved by the Director prior to clearing, grading, clear-cutting, or other land disturbance. Where a development plan has been approved, land disturbance and timber removal permits may be issued by the City pursuant to the requirements of this Chapter.

CHAPTER 10: PUBLIC HEARING APPLICATION, REVIEW PROCEDURES

10.1 Generally

10.1.1 Purpose

The purpose of this Chapter is to provide the procedures and general standards for review of applications that are submitted to administrators or review bodies with the City of Stockbridge under this UDC.

10.1.2 Application Requirements

The requirements of this Section shall apply to all applications unless otherwise provided in this UDC. Where applicable, detailed requirements are provided in each application-specific section.

10.1.3 Pre-Application Meeting

- A. The purpose of the pre-application meeting 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 UDC is that all procedural and development requirements be identified during the pre-application meeting. 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 meeting, 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 pre-application conference may be in person or via virtual meeting/call.
- D. A pre-application conference may be waived by the Community Development Director at their discretion.
- E. City-initiated petitions are exempt from pre-application meeting requirements.

10.1.4 Forms and Fees

- A. Applications required under this UDC shall be submitted on standardized forms approved by the City. All applications shall be filed and completed as specified on the application form.
- B. All fees associated with a review must be paid in full before any application will be processed or reviewed.
- C. Filing fees are established and reviewed periodically to defray the cost of processing the application. Fees shall be adopted by the Mayor and City Council.

10.1.5 Determination of Completeness

- A. All applications shall be complete before their 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. **Effect of Incomplete Application.** If the Community Development Director determines that the application is not complete, the Community Development Director shall send notice to the applicant identifying the deficiencies. The applicant shall have ~~thirty (30)~~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.

10.1.6 Application Deadline

Applications shall be submitted in accordance with the published Planning and Zoning calendar schedule. A Planning and Zoning schedule indicating submittal dates shall be developed each year, submitted to the City Clerk and made available to the public, upon request.

10.1.7 Concurrent Applications

Related applications may be filed and reviewed simultaneously. Applications submitted simultaneously are subject to individual approval. Any application that is contingent upon the approval of another application shall not be eligible for final approval until the contingent application is first approved.

10.1.8 Application Withdrawals, Deferrals, Continuances

A. Withdrawals.

1. The applicant may withdraw an application in writing at any time prior to the final decision by the appropriate reviewing body on said application.
2. If a request to withdraw an application is made in a public hearing, the applicant may do so by stating the request on the record.

B. Deferrals at Applicant Request (Postponement to a Certain Time).

The applicant may request a deferral to a future scheduled meeting by requesting the deferral in writing in advance of the meeting, or by the request on the record at the meeting. In either case, the applicable review or governing body shall vote in a properly advertised meeting to postpone to a certain time. If the date and time of the meeting are not indicated at the time of the originally scheduled public hearing, the application shall be readvertised pursuant to the Public Notice requirements.

C. Deferrals by Reviewing or Governing Body (Postponement to a Certain Time).

Deferrals by a reviewing body or governing body are authorized, but final decisions shall be made within the identified timeframes outlined herein.

1. **Mayor and City Council.** Mayor and City Council shall have the authority to postpone to a certain time the review of an application scheduled for public hearings to any future date chosen by the governing body.
2. **Planning Commission.** The Planning Commission shall issue a recommendation to approve or deny an application or petition within ~~forty-five (45)~~45 days after the opening of the public hearing or comment period. Failure of the Planning Commission to act within the forty-five-day period shall constitute a recommendation that the application be forwarded to the Mayor and City Council for a final decision.

10.2 Procedures Summary

Table 10.2, Procedures Summary Table, provides a summary of review and decision-making authority under this UDC. In the event of conflict between Table 10.2, Procedures ~~and~~ Summary Table and the detailed procedures identified in this UDC, the detailed procedures govern.

Table 10.2 - Procedures Summary Table			
Application Type	City Staff	Planning Commission	Mayor and City Council
Text Amendments	R	<R>	<DM>
Rezoning (i.e., Map Amendments)	R	<R>	<DM>
Modifying Conditions of Zoning (major)/Master Plan Amendments (major)	R	<R>	<DM>
Special Use Permit	R	<R>	<DM>
Variance	R	<R>	<DM>
Tier 2 Waiver	R	<R>	<DM>
Legend: 1. R = Review or Recommending Body 2. DM = Decision-Making Body (Final Decision) 3. <> = Public Hearing required			

10.2.1 Requirements for Amending the Official Zoning Map (Rezoning)

A. Requirements.

1. 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.
2. For rezoning applications filed by others than those initiated by the City of Stockbridge governing body or staff, where properties are held in ownership by multiple persons or entities, it shall be the responsibility of the applicant to ensure they have obtained proper consent to the rezoning from all persons or entities with an ownership stake in the rezoning.
3. If the applicant is acting as the agent of the property owner, the agent shall submit an authorization form executed by the property owner authorizing the

agent to file on the owner's behalf. No application shall be accepted unless such authorization is provided.

B. Official Application.

1. Prior to the submittal of an application for rezoning, the applicant shall have participated in the pre-application meeting.
2. Applications shall include, at a minimum, the following information:
 - a. Application form;
 - b. Proof of ownership;
 - c. Property Owner Authorization;
 - d. Campaign Disclosure Forms;
 - e. A property survey conducted no more than five (5) years prior to the filing of the application. 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;
 - f. A letter of intent, which outlines the details of the request, the reason for requesting an amendment to the zoning map, and addresses the criteria in Section 109.2.2, Review Standards for Rezoning Applications;
 - g. A concept plan containing the information set forth below:
 - i. Project name;
 - ii. Vicinity map showing zoning districts and existing land use within ~~five hundred (500)~~ 500 hundred feet of the boundaries of the site;
 - iii. Total area in acres and square feet;
 - iv. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district;
 - v. 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;
 - vi. General location of existing and proposed roads and utility rights-of-way or easements;
 - vii. Location of existing property lines within the development site;

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- viii. General location of existing and proposed development by type of use;
 - ix. Proposed residential density and dwelling unit types, if applicable; and
 - x. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
- h. A general plan for the provision of utilities and infrastructure, to include a report or letter from the City's Public Works Department, the Henry County Water and Sewer Authority, or the Clayton 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;
 - i. A traffic impact study or trip generation report if it exceeds the thresholds found in Section 16.1.3.A, Thresholds of Applicability.
 - j. Architectural renderings or building plans, as determined by the Community Development Director; and
 - k. Proof of payment of fees.

C. Action by the Director.

1. The Director shall prepare a staff report addressing the following uses, 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 UDC.
 - 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, should 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. A Community Zoning Information Meeting is required pursuant to Section 10.2.119, Community Zoning Information Meeting (CZIM).

E. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.

F. Planning Commission Recommendation.

1. The application shall be submitted to the Planning Commission for review at a public meeting prior to a public hearing before the Mayor and City Council.
2. The Planning Commission shall review and make recommendations on the proposed rezoning based upon the standards in Section 10.2.2, Review Standards for Rezoning Applications.
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, approval with an alternative zoning district that is lesser intensity than that which was advertised, or denial. Findings shall be set forth in official minutes of the Planning Commission.

G. Mayor and City Council Action.

1. The Mayor and City Council shall consider the rezoning application 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 request subject to certain conditions necessary to promote and protect the health, safety, and general welfare of the general public and adjacent properties.
4. 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 of the general public and adjacent properties.

5. 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 UDC.
6. 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)~~12 months has elapsed from the date of withdrawal.
7. Following the public hearing, the Mayor and City Council shall approve, approve with conditions, approve with alternative zoning district that is of lesser intensity than that which was advertised, deny, defer, or any other action within the scope of the Mayor and City Council authority as outlined elsewhere in this UDC, the City of Stockbridge Code of Ordinances, or State or Federal Law.
8. 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)~~12 months immediately following the defeat of the rezoning by the Mayor and City Council.

10.2.2 Review Standards for Rezoning Applications

- 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 (1) 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 zoning district unrelated, and not contiguous, 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 welfare of the general public and adjacent properties.
 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, and 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 welfare of the general public and the adjacent properties.
- C. If the Mayor and Council determine from the evidence that has been presented that the applicant has shown that the proposed zoning map amendment promotes the health, safety, morals, or welfare of the general public and adjacent properties 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 welfare of the general public and adjacent properties.
 4. The relative gain to the public, as compared to the hardship, if any, which may be imposed upon the individual property owner.
 5. The suitability of subject property for development purposes as it is presently zoned.
 6. The length of time the property, if it is vacant, has been vacant as it is currently zoned, considered in the context of land development in the vicinity of the property.
 7. 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.
- E. If the Mayor and Council determine, from the evidence that has been 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.

10.2.3 Annexation Criteria

- A. When a rezoning request is accompanied by an annexation request, the following criteria shall be considered when reviewing the annexation request:
1. Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory and 489 Agreement, as adopted and amended over time;
 2. Adequacy of access to the site, or the potential for such adequate access to be provided;
 3. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;

4. The annexation is in the best interest of the City. Generally, the Mayor and City Council may consider the annexation is in the best interest of the City if it meets two (2) or more of the following criteria:
 - a. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other service-related problems;
 - b. It provides land for development to meet public needs including jobs and/or housing in an orderly and logical growth pattern;
 - c. It fills in gaps in existing islands or other types of non-contiguous boundaries;
 - d. It provides needed routes for utility and transportation networks.

10.2.4 Requirements for Modifying Conditions of Approval and Modifying Approved Master Development Plans

- A. An applicant may file a zoning modification application to request approval of changes to previously approved quasi-judicial actions for master development plans. Such changes may be major or minor and shall be modified in accordance with this Section.
- B. **Major Modifications.** Major modifications include changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to zoning approval as conditions of approval. The following procedures shall be followed:
 1. An application shall be submitted containing details of the amendment requested and the situation giving rise to the need for an amendment. It shall be accompanied by plans fully describing the nature and extent of the amendment.
 2. A staff report shall be prepared to address the requirements that are listed in this section for the amended concept plan and/or zoning conditions.
 3. A community zoning information meeting is required pursuant to Section 10.2.11, Community Zoning Information Meeting (CZIM).
 4. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
 5. The Planning Commission shall review the application for an amended concept plan at a public meeting. The Planning Commission shall consider the application for amended conditions placed on special uses and/or variances and make a recommendation to Mayor and City Council according to the procedures in Section 10.2, Procedures Summary.
 6. 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 10.4, Procedures for Conducting Public Hearings.

- C. **Minor Modifications.** Minor modifications include changes to dimensional design features as depicted on a concept plan. Such dimensional design features, as are provided on a development plan, shall generally conform to the conditions depicted on the concept plan but shall be allowed to vary, provided 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 that are 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 Chapter 9, Administrative Development Procedures.
- D. 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.

10.2.5 Requirements for Special Use Permits

- A. Special Uses within each zoning district are uses that may be appropriate in a particular zoning district if controlled as to number, area, location, or relation to other uses may be appropriate in a particular zoning district. A Special Use Permit shall be required for all special uses (identified with an "S" designation) as set forth in the permitted use table in Section 2.3 Table 3.1.B, Principal Uses Table Land Uses or as part of a "use" condition.
- B. Specific use standards may be applicable to the approved special use.
- C. Any use or activity on the property that is not specifically permitted by Chapter 2, Zoning and Overlay Districts, or the Special Use Permit, as modified, shall be deemed unlawful and subject to Chapter 12, Violations, Penalties and Enforcements.
- D. **Requirements.** An application for a Special Use Permit may be submitted by any person, firm, corporation, or agency, provided they are the owner or owner's representative of the subject property.
- E. **Official Application.** The applicant shall submit the special use permit application and associated documents, as identified in Section 9.2.1, Requirements for amending the official zoning map (rezonings).
- F. **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 that are necessary to protect the public interest, and to assure the continued beneficial use and enjoyment of nearby properties; or that no special limitations are necessary to protect the public.
 - e. The special 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.
- G. A community zoning information meeting is required pursuant to Section 10.2.11, Community Zoning Information Meeting (CZIM).
- H. **Public Hearing.** The director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
- I. **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 at a public meeting prior to a public hearing before the Mayor and City Council.
 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.
- J. **Mayor and City Council Action.**
1. The Mayor and City Council shall consider the application for Special Use Permit at a public hearing.
 2. The Mayor and City Council shall consider the information that is set forth in the staff report and the findings and recommendations of the Planning Commission.

3. In deciding upon any application for a Special 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 request subject to certain conditions that are necessary to promote and protect the health, safety, and welfare of the general public and the adjacent properties.
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) that are 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 UDC.
5. Prior to a final vote being taken upon any application for a Special 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.
6. Following the public hearing, the Mayor and City Council shall approve, approve as recommended by the Planning Commission, approve with conditions, deny, or defer the Special Use Permit.
7. If the zoning decision of the Mayor and City Council is for a Special Use Permit application to be denied, then the same property shall not again be considered for a Special Use Permit until the expiration of at least ~~twelve (12)~~12 months immediately following that denial.

10.2.6 Review Standards for Special Use Permit

- A. In the interest of 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 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;
 10. Ingress and egress to the property; and
 11. Any other pertinent factors.
- 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.

10.2.7 Requirements for Certificate of Appropriateness

- A. A Certificate of Appropriateness is required for a material change in the appearance of a designated historic property, building, structure, site, or object within a historic district, unless exempted by this UDC.
- B. **Exemptions.** The following shall be exempt from the provisions of this article:
1. Interior arrangements.
 2. The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation.
 3. Local governments are exempt from the requirements of obtaining a certificate of appropriateness; provided, however, that local government shall notify the commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.
 4. Minor repairs that do not alter the historic or architectural features existing on the building.
 5. In the event an applicant is not certain about whether an item requires a Certificate of Appropriateness or not, an application shall be submitted to the Director for review. The Director shall determine if a Certificate of

Appropriateness, with advice provided by the Chair of the Historic Preservation Commission, is required.

- C. **Requirements.** An application for a Certificate of Appropriateness can be submitted by any person, firm, corporation or agency for a Certificate of Appropriateness, provided they are the owner or the owner's representative of the subject property.

D. **Official Application.**

1. An application to amend the text of the UDC shall be submitted on forms provided by the City.
2. Prior to submittal of an application for rezoning, the applicant shall have participated in the pre-application conference.
3. Applications shall, at a minimum, include the following information:
 - a. Project name;
 - b. Vicinity map showing zoning districts and existing land use within ~~five hundred (500)~~ 500 hundred feet of the boundaries of the site;
 - c. Total area in acres and square feet;
 - d. Current 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; and;
 - j. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
4. Application form;
5. Proof of ownership;
6. Property Owner Authorization;
7. A letter of intent, which outlines the proposed scope of work;
8. A concept plan containing the information set forth below:
9. Photographs of all four sides of existing buildings and adjacent structures;
10. Archaeology report if the property contain a documented archaeological site;
11. 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.
 12. Architectural renderings or building plans, as determined by the Community Development Director;
 13. Digital copy of material sample board for any materials being introduced to the exterior of the building or on the site; and
 14. Proof of payment of fees.
- E. **Action by the Director and Historic Preservation Action.**
1. The Director shall determine completeness
- F. **Public Hearing.** The director shall advertise for the public hearing at the Historic Preservation Commission in accordance with Section 10.3, Public Notice Requirements.
- G. **Historic Preservation Action**
1. The Historic Preservation Commission must approve or reject an application within ~~forty-five (45)~~45 calendar days after filing of a complete application.
 2. Following the public hearing, the Commission shall approve, approve with conditions, or reject the Certificate of Appropriateness. Failure to act within the 45-day period constitutes approval of the application. This time may be extended if both the application and the Historic Preservation Commission agree on an extension.
 3. The Historic Preservation Commission shall consider the application for a Certificate of Appropriateness at a public hearing.
 4. In deciding upon any application for a Certificate of Appropriateness, the Historic Preservation Commission may, on their own motion or upon the suggestion of the applicant, grant the application subject to certain conditions necessary to promote and protect the historic property, building, or district.
 5. The Historic Preservation Commission may include conditions which they deem necessary in order to make the requested action acceptable and consistent with the aesthetic, historic, architectural significance and value of the historic property, building involved. 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 UDC.
 - 6. Prior to a final vote being taken upon any application for a Certificate of Appropriateness 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.
 - 7. Following the public hearing, the Historic Preservation Commission shall approve, approve with conditions, or reject the Certificate of Appropriateness.
 - 8. A Certificate of Appropriateness shall become void unless construction commences within six (6) months of the date of issuance. A Certificate of Appropriateness shall be issued for a period of 18 months and is renewable.
- H. **Appeals.** Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or rejection of a Certificate of Appropriateness may appeal such determination to the City Council. The appeal shall follow the procedures found in Section 11.3, Appeals of Administrative Decisions.

10.2.8 Review Standards for Certificate of Appropriateness

- A. In the interest of the public health, safety and welfare, the Historic Preservation Commission may exercise limited discretion in evaluating a Certificate of Appropriateness. In exercising such discretion, the Historic Preservation Commission shall consider it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property, building, or district
- B. For reconstruction, alteration, new construction, renovation, relocation, or demolition, the Commission shall consider each of the following:
 - 1. Whether the proposed action conforms to the design, scale, building materials, setback and site features; and
 - 2. Whether the proposed action conforms to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
- C. For relocation of a building structure, or object, the Historic Preservation Commission shall consider each of the following:
 - 1. Whether the historic character and aesthetic interest the building, structure or object contributes to its present setting;
 - 2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

3. Whether the building, structure or object can be moved without significant damage to its physical integrity; and
 4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
- D. For demolition of buildings, structures, sites, trees judged to be 50 years or older, or objects, the Historic Preservation Commission shall consider each of the following:
1. The historic, scenic or architectural significance of the building, structure, site, tree or object;
 2. The importance of the building, structure, site, tree, or object to the ambiance of a district;
 3. The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
 4. Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the City;
 5. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 6. Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse; and
 7. Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.
- E. **Undue Hardship.** When, by reason of unusual circumstances, the strict application of any provision of this Section would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.
- F. In granting such certificates, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of the historic property, building, or district.

10.2.9 Requirements for Amendments of the UDC (Text Amendments)

This UDC may be amended by the Mayor and City Council on its own motion. If otherwise motioned, a complete application packet shall be required as described below:

- A. An application to amend the text of the UDC 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, approval with modifications or conditions, or denial. 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 which have been adopted in furtherance of the Comprehensive Plan.
- D. **Public Hearing.** The director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
- E. The Planning Commission shall consider the proposed amendment to the UDC 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.
 - 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 conditions, defer, or deny the proposed amendment to the UDC.

10.2.10 Requirements for Amendment to the Comprehensive Plan

The Comprehensive Plan may be amended by the Mayor and City Council on its own motion. If otherwise motioned, 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, approval with conditions, or denial.
- D. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 10.3, 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.
 - 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 conditions, defer, or deny the proposed amendment to the Comprehensive Plan.

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10.2.11 Community Zoning Information Meeting (CZIM)

- A. **Purpose.** The purpose of the Community Zoning Information Meeting (CZIM) requirement is to help educate applicants and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests, and to identify unresolved issues.
- B. **Applicability.** CZIMs are applicant-initiated meetings required to be held for any non-City-initiated decisions as required by this chapter. They are encouraged in all cases..
- C. **Written Notice.** The applicant or their representative is responsible for completing all requirements of this section. Written notice is required for all CZIMs and shall be sent via certified mail to the owners of all properties that are located within 500 hundred feet of the boundaries of the subject property, as those property owners are listed on the tax records of Henry County. The notices shall be mailed at least ten (10) days before the

date of the CZIM. Written notices shall indicate the nature of the application, the street address of the subject property, and the date, time, place and purpose of the meeting.

- D. The applicant shall host a meeting, either virtual or in-person, that is accessible to the general public.
- E. **Summary Report.** The applicant shall host the meeting and submit a summary of the CZIM prior to the public meeting before the Planning Commission. The summary report shall describe:
 - 1. Efforts to notify neighbors about the meeting date, time, and location (how and when notification occurred, and who was notified);
 - 2. Meeting location, date, and time;
 - 3. Who was involved in the discussions;
 - 4. Suggestions and concerns raised by neighbors; and
 - 5. What specific changes to the proposal were considered and/or made as a result of the meeting.

10.3 Public Notice Requirements

All hearings of the Mayor and City Council which involve annexation, zoning map amendments, text amendments of the UDC, Special Use Permits, major modifications of zoning conditions and/or master plans, appeals, and variances are public and subject to notification requirements under the State Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., where applicable. Planning Commission meetings shall be open to the public but are not required to be public hearings.

10.3.1 Public Notice Required

- A. Notice shall be provided by the City for public meetings and hearings regarding the following actions:
 - 1. Zoning Map Amendment;
 - 2. Special Use Permits;
 - 3. Text Amendments ;
 - 4. Major modification of zoning conditions and/or master development plans;
 - 5. Variances;
 - 6. Certificate of Appropriateness; and
 - 7. Tier 2 Waivers.
- B. All required public notices shall include the following information:
 - 1. Date and time of the public meeting or public hearing;
 - 2. Place of the public meeting or public hearing;
 - 3. Location of the property being considered;
 - 4. Purpose of the requested action; and

5. For requests to amend the official zoning map, the notice shall include the current and proposed zoning district.
- C. Forms of notice required for public hearings may include mailed notice, published notice in a newspaper of general circulation, and posted notice by signs as required by Table 10.3.1, Types of Public Notice for Applications below.

Table 10.3.1 - Types of Public Notice for Applications				
Proposal	Mailed	Posted	Published	CZIM
Comprehensive Plan Amendments	Y	Y	Y	--
Annexation	Y	Y	Y	--
Rezoning (Map Amendment)	Y	Y	Y	Y
Modifying Conditions of Approval (Major)/Master Plan Amendment (Major)	Y	Y	Y	Y
Special Use Permit	Y	Y	Y	Y
Variance	Y	Y	Y	--
Certificate of Appropriateness	Y	Y	Y	--
Designation of a Historic District	Y	Y	Y	--
Designation of a Historic Property or Building	Y	Y	Y	--
Legend: 1. Y = Required; 2. "--" = Not Required				

10.3.2 Requirements for Publishing Legal Ads

- A. Upon receipt of a completed application, fees, and other information required by this Chapter or Chapter 9, Administrative Development Procedures, the Community Development Director shall cause notice of such application to be published within a newspaper of general circulation within the territorial boundaries of the City of Stockbridge at least ~~fifteen (15)~~, 15 but not more than ~~forty-five (45)~~, 45 calendar days prior to the date of the public hearing.
- B. For applications to designate a local historic district or to designate a local historic property, notice of the public hearing shall be published at least ten (10) but not more than 20 days prior to the public hearing as provided in O.C.G.A. § 44-10-26 ("Georgia Historic Preservation Act"), or as amended. Notice of the public hearing shall be published on at least three (3) occasions prior to the public hearing.

10.3.3 Requirements for Posting Signs

- A. The City shall provide standardized signs for posting to provide public notice of meetings and hearings.
- B. Signs shall be posted as follows:
 - 1. The sign(s) shall be posted in a conspicuous location on the property, adjacent to the street, if possible.
 - 2. The sign(s) shall be posted not less than ~~fifteen (15)~~, 15 and not more than ~~forty-five (45)~~, 45 calendar days prior to the date of the public hearing. For applications to designate a local historic district or to designate a local historic property, signs shall be posted not less than ten (10) but no more than 20 days before the public 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. Any City-initiated request shall be exempt from these posted notice requirements of this section unless otherwise required by the State statute referenced in Section 109.3.5, Additional Notice Required.

10.3.4 Mailed Notices

- A. Mailed notice shall be provided to all adjacent property owners who own property within ~~five hundred (500)~~ 500 hundred feet of the boundary line of the subject property, including those across public rights-of-way, at least ~~fifteen (15)~~, 15 but not more than ~~forty-five (45)~~, 45 calendar days prior to the public hearing for all variances, special use permits, modifications, amendments to the official zoning map, and certificates of appropriateness. Additionally, notice shall be sent to the subject property owner(s). Said adjacent property owner mailed notices shall be mailed by the applicant, and the applicant shall provide the Community Development Director proof of mailing.
- B. **How Property Addresses are to be Obtained.**

- 1. Mailing addresses for property owners shall be obtained from the most recent tax digest available from the office of the Henry County Board of Assessors.
- 2. The Community Development Director shall prepare the content of the notice and be responsible for its mailing, unless otherwise required by the application process.

10.3.5 Additional Notice Required

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional requirements.

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- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning; or
- B. Halfway drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexation.

10.4 Procedures for Conducting Public Hearings

10.4.1 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 that are pertinent to the application. A portion of this time may be saved for rebuttal.
 - 2. Persons who are in opposition shall have a total of ten (10) minutes to address the board. Persons who are in support shall have a total of ten (10) minutes to address the board. Each person shall provide the Community 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 Community 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 certain date.
 5. Remand matters to the Planning Commission for additional review and recommendation if the nature of the request has substantially changed.
- F. Mayor and City Council shall announce its decision and instruct the Community Development Director or their designee 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.

10.4.2 Additional Hearing Requirements

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional requirements:

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning; or
- B. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexation.

10.5 Requirements for Development(s) of Regional Impact

- A. A proposed development that meets or exceeds 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 determination that the proposed development is not a DRI, the City may process applications using procedures that are set forth in this UDC.

- E. Upon conclusion of the DRI review, the City may continue with review and decision-making procedures as set forth in this UDC.
 - 1. The City is encouraged to include the public findings 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.

10.6 Requirements for Designation of Historic Districts and Properties

- A. **Requirements.** No ordinance designating any historic property, historic district, or expansion of a historic district may be adopted unless all requirements of this Section have been met.
- B. **Criteria.**
 - 1. **Historic District.** The property or properties to be reviewed for inclusion into the historic district or designation of a new historic district shall meet two or more of the following criteria:
 - a. Has special character or special historic/aesthetic value or interest;
 - b. Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
 - c. Causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or County.
 - 2. **Historic Property or Building.** The property or building to be reviewed for designation shall meet two or more of the following criteria:
 - a. It is an outstanding example of a structure representative of its era;
 - b. It is one of the few remaining examples of a past architectural style;
 - c. It is a place or structure associated with an event or persons of historic or cultural significance to the City of Stockbridge, State of Georgia, or the region; or
 - d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, County, State or region.
- C. **Official Application.**
 - 1. Applications for the expansion or designation of a historic district may be proposed by the Mayor and City Council, the Historic Preservation Commission, a historical society, neighborhood association, or property owners.

2. An application to amend the text of the UDC shall be submitted on forms provided by the City.
 3. Prior to submittal of an application for rezoning, the applicant shall have participated in the pre-application conference.
 4. Applications shall, at a minimum, include the following information:
 - a. Description of the proposed property, properties, or building;
 - b. Proposed boundary of the historic district;
 - c. Evaluation of properties within a historic district as contributing or non-contributing;
 - d. List the name(s) of the owner(s) of the property, properties, or building;
 - e. Representative photographs of properties within the historic district;
 - f. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
 - g. Require that the property or district be shown on the official zoning map of the City of Stockbridge and be kept as a public record to provide notice of such designation.
- D. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 109.3, Public Notice Requirements.
- E. **Decision-Making Process**
1. **Historic Preservation Commission Recommendation**
 - a. The Historic Preservation Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, district, site, building, structure, or work of art proposed for designation or acquisition. No less than 30 days prior to making a recommendation on any ordinance to designate a property, building, or district, the Historic Preservation Commission must submit the report to the Department of Community Affairs or its successor.
 - b. A recommendation to affirm, modify, or withdraw the proposed ordinance for designation shall be provided to City Council within 15 days following the public hearing.
 2. **Mayor and Council Decision**
 - a. Upon receipt of a recommendation from the Historic Preservation Commission, the City Council may adopt the ordinance as proposed, with any amendments they deem necessary, or reject the ordinance.
- F. **Adoption.** Within 30 days immediately following the adoption of the ordinance, the owners and occupants of each designated historic property or building and the owners

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and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity for obtaining a Certificate of Appropriateness prior to undertaking any material change in the appearance of the historic property or building designated or within the historic district designated. This notice shall be provided in accordance with Section 10.3.4, Mailed Notices.

10.7 Zoning of Annexed Property with Common Zoning Classification

Property which has been 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 O.C.G.A. § 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, O.C.G.A. § 36-66-1 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, O.C.G.A. § 36-66-1 et seq., and the zoning amendment procedures under this Code.

10.8 Waivers

- A. **Applicability.** The waiver permits specified minor deviations from the zoning ordinance, as provided in the various articles of this Code and as consistent with the guiding principles of this Code. Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific cases of financial hardship, nor to allow the circumvention of the intent of this Code. There are two (2) tiers of waiver requests defined herein.
- B. **Authorized Waiver Requests.**
 - 1. **Tier 1.** Tier 1 waivers are minor in nature and are intended to solve minor issues that arise from the application of the Code during building and site design and development.
 - a. Reduce width of any dimensional standard for any architectural standard in Section 4.4, Architectural Guidelines by up to ~~twenty percent (20%),~~ 20%.
 - b. Reduce width of any dimensional standard for any street or streetscape standard by up to ~~twenty percent (20%),~~ 20%, but in no case shall the sidewalk be reduced to less than five (5) feet wide.

- c. Reorder the landscaped strip, sidewalk, and building zones or relocate improvements and amenities among them (e.g., relocating trees to building zones).
 - d. Allow changes in frequency of improvements in the landscaped strip, sidewalk, and building zones in Section 4.3.10, Streetscape Standards by up to twenty percent (20%) (e.g., increase the separation of bicycle racks from two hundred fifty (250) to three hundred fifty (350) feet).
- 2. **Tier 2.** Tier 2 waivers are more significant requests that would result in a more substantial departure from the Code requirements.
 - a. Reduce width of any dimensional standard for any street or streetscape standard by any amount.
 - b. Reduce, alter, or eliminate any standards in Section 4.4, Architectural Guidelines.
 - c. Reduce, alter, or eliminate any standards in Section 4.3.10, Streetscape Standards.
 - d. Reduce, alter, or eliminate any standards in Section 13.7, Buffer Requirements.
 - e. Reduce, alter, or eliminate any standards in Section 13.8, Landscape Requirements.
 - f. Reduce, alter, or eliminate any standards in Chapter 5, Parking.
- C. **Authority to File.** Applications for waivers may be filed by the owner of the subject property or the property owner's authorized agent.
- D. **Pre-Application Meeting.** A pre-application meeting with the Community Development Department is required for all waiver requests.
- E. **Tier 1 and Tier 2 Notice.**
 - 1. **Tier 1 Waivers**
 - a. Posted notice (signs) shall be posted for a minimum of ten (10) days before a decision is rendered and in a conspicuous place on the subject property to notify the public and adjacent property owners of a request for a Tier 1 waiver.
 - b. Each notice shall provide the following information:
 - i. Purpose of request.
 - ii. Location of property.
 - c. Members of the public wishing to support or oppose a request for Tier 1 waiver shall file their comments in writing with Community Development Department. The deadline for acceptance of comments is ten (10) days after notice was posted.
 - 2. **Tier 2 Waivers.** Tier 2 waivers require a public hearing.

- a. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.

F. Decision-Making Process.

1. Tier 1 Waivers

- a. Upon receipt of a complete Tier 1 waiver application, the Community Development Department shall review the proposal and prepare an analysis.
- b. At least ~~thirty (30)~~30 days from the submittal of a complete application, the Community Development Director shall act to approve the Tier 1 waiver, approve the Tier 1 waiver with conditions, or deny the Tier 1 waiver based on the applicable review and approval criteria in accordance with this Section. The Community Development Director is also authorized to allow the applicant to withdraw the Tier 1 waiver without prejudice.

2. Tier 2 Waivers

- a. **Staff Review.** Upon receipt of a complete Tier 2 waiver application, the Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission.
- b. **Planning Commission Recommendation.** The Planning Commission shall hold a public meeting on the Tier 2 waiver application. The Planning Commission shall act to recommend that the Tier 2 waiver be approved, approved with conditions, or denied based on the applicable review and approval criteria of this Section. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, may recommend withdrawal of the application without prejudice.
- c. **Mayor and Council Decision.** Upon receipt of a recommendation from the Planning Commission, the Mayor and City Council shall review the Tier 2 waiver application. The Mayor and City Council shall act to approve the Tier 2 waiver, approve the Tier 2 waiver with conditions, or deny the Tier 2 waiver based on the applicable review and approval criteria of this section. The Mayor and City Council is also authorized to withdraw the Tier 2 waiver without prejudice.

G. Review and Approval Criteria. The Director may authorize Tier 1 waivers, and the Council may authorize Tier 2 waivers from the provisions of this zoning ordinance based on consideration of the following criteria:

1. Features such as topography, high frequency transmission lines, existing trees of specimen or significant quality, underlying rock, or other condition outside the

- owner's control to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Code;
2. Alternative streetscape or building/facade design configurations are provided; and
 3. Proposal will not result in any detriment to the public good, including, without limitation, detriment to the interest of the public, and will not result in any harm to the health, safety, or welfare of the City or the general public.
- H. **Successive Applications.** If a waiver application is denied, an application to waive the same zoning ordinance provision for the same portion of the subject property may not be resubmitted for one (1) year from the date of the denial.
- I. **Appeals.** See Section 11.3, Appeals of Administrative Decisions for Tier 1 waivers and Section 11.4, Appeals of Final Action by the Mayor and City Council for Tier 2 waivers.
- J. **Amending Conditions.** A request for changes in conditions of approval attached to an approved waiver shall be processed as a new waiver application in accordance with the procedures of this division, including the requirements for fees, notices, and hearings.

CHAPTER 11: VARIANCES AND APPEALS

11.1 Variances

- 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 requirements set forth in this chapter.

11.1.1 Limitations on Power to Grant Variances

- A. Variances shall be limited to dimensional relief and no variance shall be granted that would result in any of the following situations to:
 1. Allow a structure, building, or use not permitted by this Code or not permitted in the zoning district in which a given property is located.
 2. Allow an increase in maximum building height.
 3. Waive, vary, modify, or otherwise override a condition of approval attached to a quasi-judicial or legislative land use decision.

4. Reduce, waive, or modify in any manner the minimum lot area or lot width required for the zoning district in which a given property is located.
5. Allow the reestablishment, expansion, or enlargement of any nonconforming use that has been abandoned or otherwise no longer has lawful nonconforming status.

11.1.2 Criteria for Variances

- A. The Community Development Director, Planning Commission, and Mayor and City Council shall consider and find in the affirmative that all the following criteria are met in determining whether a variance shall be approved:
 1. Extraordinary and exceptional circumstances which are peculiar to the property due to its size, shape, or topography that are not common to other properties in the same zoning district;
 2. 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, resulting in unnecessary and undue hardship on the applicant;
 3. 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;
 4. The variance will be consistent with the intent of this unified development code and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare;
 5. The extraordinary circumstances are not the result of actions of the applicant; and
 6. The variance, if granted, is the minimum relief necessary to make possible the reasonable use of land, buildings or structures.

11.1.3 Requirements for Authorizing a Variance

- A. A variance shall be initiated by an application from a property owner or on behalf of a property owner. An application for a variance must be completed and submitted on standardized forms approved by the City. All applications shall be filed and completed as specified on the application form.
- B. All fees associated with an application for a variance must be paid in full prior to processing.
- C. Applications will be submitted to the Community Development Department and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Chapter and noted in the application materials.

- D. Once an application has been deemed to be complete, the Community Development Director shall transmit the application and notify the applicant that the application is complete. The application shall then be placed on the next available agenda of the Planning Commission, and the Community Development Director shall oversee preparation of a staff report for the requested variance. The Community Development Director shall also publicly advertise all public hearings to be held for the requested variance in accordance with this UDC and State regulations.
- E. Incomplete applications shall not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

11.1.4 Planning Commission Recommendation

- A. The Planning Commission shall hold a public hearing for an application for a variance. Following the public hearing, the Planning Commission shall issue an advisory recommendation for the requested variance.
 - 1. The recommendation shall be to approve, approve with conditions, deny, or table the subject request. This recommendation shall be forwarded to the Mayor and City Council prior to their public hearing on the subject request.
 - 2. If the Planning Commission does not issue a recommendation within ~~forty-five~~ (45) 45 calendar days following the public hearing for a given variance request, the Commission shall be considered to have recommended approval of the application.

11.1.5 Mayor and City Council Decision

- A. Following the issuance of a recommendation by the Planning Commission, the Mayor and City shall hold a public hearing for an application for a variance.
- B. Following their public hearing on the matter, the Mayor and City Council shall cast a decision on an application for a variance. The final decision is not required to align with the recommendation of the Planning Commission.
 - 1. The final decision, as issued by the Mayor and City Council, shall be to approve, approve with conditions, or deny the subject request.
 - 2. The Mayor and City Council may table the variance application to a future public meeting if there are evolving or uncertain factors that hinder their ability to cast a definite decision at the time.

11.2 Administrative Variances

- A. The purpose of an administrative variance is to provide the applicant with the minimum amount of relief necessary to avoid unnecessary hardship.

- B. 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 adopted by the Mayor and City Council. The authority to grant a variance shall be limited to the instances provided herein.
1. A reduction of the minimum front, side, or rear yard building setback for a lot of record, provided the following standards are satisfied:
 - a. The building setback reduction is necessary due to geologic conditions, unusual topography, or Tree Protection challenges peculiar to the subject property pursuant to Chapter 134, Buffers, Landscaping, and Tree Protection of this UDC.
 - b. The building setback reduction is limited to a maximum deviation of ten percent (10%) from the minimum code requirement.
 2. A reduction or increase of the minimum parking requirements for a particular land use, provided the following standards are satisfied:
 - a. The subject property would not contain fewer than ten (10) parking spaces, including at least one (1) ADA accessible space, as a result of the administrative variance.
 - b. The reduction of minimum parking spaces required is limited to a maximum deviation of ten percent (10%) of the code requirement.
 - c. An increase in the maximum required parking space quantity by greater than ten percent (10%) of the Code requirement if the subject site is undeveloped or contains fewer than ten (10) parking spaces at the time of the request.
 - d. An increase in the maximum required parking space quantity by greater than 20% of the Code requirement if the subject site is developed and contains ten (10) or more parking spaces at the time of the request.
 3. A waiver from Chapter 5, Parking 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:
 - a. 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.

- b. Materials used for unpaved parking shall be approved by the City of Stockbridge Public Works Department prior to installation. Gravel shall not be an acceptable material for impervious parking areas.
- c. Unpaved parking areas shall be enclosed by a fence that restricts public access. All gates and locks shall be approved by the City of Stockbridge Fire Department prior to installation.
- d. 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.
- e. A paved driveway leading to the unpaved parking area that is a minimum of ~~twenty-four (24)~~24 feet in length shall be provided.
- f. 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.

- 4. No administrative variance shall be issued that outright eliminates a requirement development standard.

11.3 Appeals of Administrative Decisions

- 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 of the Community Development Department, based on the interpretation or enforcement of the unified development code.
- B. Only persons or entities that are aggrieved by an action shall be permitted to file an appeal under this Code section.
- C. A notice of appeal under this Section shall be applied for pursuant to the following:
 - 1. A notice of appeal shall be filed within ~~thirty (30)~~30 calendar days following the decision or determination that is the subject of the appeal.
 - 2. An appeal shall be made by filing a written notice with the Director of Community Development, specifying the grounds of the appeal and the alleged errors in the decision or interpretation made by the Community Development Department.
 - 3. When applicable, the appellant shall cite the specific section(s) of the unified development code pertinent to the administrative appeal request.
 - 4. A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the Director.

D. The Director shall cause for the appropriate departments to be notified that an appeal application and the requisite fees have been filed and shall forward those documents to the appropriate department head and/or his or her designee for handling.

1. The Mayor and City Council shall hold a public hearing for an application for administrative appeals no later than ~~thirty (30)~~30 calendar days following the filing date of a notice of appeal. The Director shall publicly advertise all public hearings to be held for the requested appeal in accordance with this Code and State regulations.

2. The Director shall oversee the preparation of a staff report for the requested administrative appeal.

E. The Mayor and City Council shall render a decision on an application for administrative appeal following a public hearing on the request and the consideration of all testimony, documentary evidence, and matters of record.

1. The decision shall be either to affirm or reverse, wholly or in part, the administrative decision that is the subject of the appeal request. At the time of motioning during a public meeting, the decision shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.

2. The reversal of an administrative decision, in whole or in part, 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.

3. If a motion to reverse or modify is not made within ~~thirty (30)~~30 calendar days following the public hearing for an administrative appeal, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.

F. The filing of a complete notice of administrative appeal stays all proceedings in furtherance of the action appealed. Proceedings shall not be stayed if it is determined by the Director that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this Code or other regulations.

1. An appeal shall stay only those proceedings that involve the subject of the appeal.

G. The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

11.4 Appeals of a Final Action by the Mayor and City Council

A. All appeals of final decisions of the Mayor and City Council shall be as follows:

1. An appeal of the final decision of the Mayor and City Council under this Chapter may be taken by the applicable processes as stated in O.C.G.A. § 36-66-5.1.
2. If an appeal is being made by way of petition for review to the superior court where the property lies, in accordance with both O.C.G.A. § 36-66-1 et seq., and as provided for in Chapter 4, Title 5 of the Official Code of Georgia Annotated, any petition may be served through the City Manager or Mayor on behalf of the lower judiciary body being appealed, or on behalf of the city.

CHAPTER 12: VIOLATIONS, PENALTIES, AND ENFORCEMENT

12.1 Authority

The City of Stockbridge and the Community Development Department (and their designee) shall be 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.

12.2 Inspections

Inspections and enforcement authority outlined herein shall apply to the Community Development Director.

12.2.1 Right of Entry

- A. Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Community Development Director shall be permitted to enter during all reasonable hours, or outside reasonable hours, in the event of any emergency threatening life or property, any public or private property for the purpose of:
 1. Making inspections to determine compliance with the provisions of this UDC during the open period of any land development, building permit, or other open quasi-judicial or zoning decision.
 2. Making inspections to determine compliance with the provisions of this UDC. Where consent is not given to entry, such City employees may seek a warrant to secure entry to the premises
- B. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Community Development Director.
- C. The owner or operator shall allow the Community Development Director ready access to all parts of the premises for the purposes of inspection, investigation, observation,

monitoring, measurement, recording, enforcement, sampling and testing, photography, and videotaping for ensuring compliance with the provisions of this UDC. The owner or operator shall allow the Community Development Director to examine and copy any records that are required under the conditions of any permit granted under this UDC.

- D. Any temporary or permanent obstruction to safe and easy access to the premises, property, or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Community Development Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- E. Unreasonable delays in allowing the Community Development Director access to a facility, property, or premises shall constitute a violation of this UDC.
- F. If the Community Development Director has been refused access to any part of a premises, property, or facility and the Community Development Director is able to demonstrate probable cause to believe that there may be a violation of this UDC, 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 UDC or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the City, then the Community Development Director may seek issuance of an inspection warrant from the magistrate court.
- G. The Community Development Director may determine inspection schedules necessary to enforce the provisions of this UDC.

12.2.2 Inspection Warrants

- A. The Community Development Director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this UDC or observation, measurement, sampling, or testing with respect to the provisions of this UDC.
- B. Inspection warrants may be issued by the magistrate court when the issuing judge is satisfied that the department has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- C. An inspection warrant shall be issued only if it meets the following requirements:
 - 1. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - 2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that

the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;

3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal;
4. The warrant refers, in general terms, to the code provisions sought to be enforced; and
5. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;

12.3 Enforcement

- A. Inspections and enforcement authority outlined herein applies to the Community Development Director.
- B. It is the duty of the Community Development Director to enforce the provisions of this Section.
- C. In addition, it is the duty of all officers and employees of the City, especially members of the Code Enforcement and Police Department, to assist the Community Development Director by reporting any seeming violations, including violations in new construction, redevelopment, or land use.
- D. **Failure to Obtain a Permit.** If any person commences any activity requiring a permit as prescribed in this UDC 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.

12.3.1 Responsibility

- A. Neither the issuance of a 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.
- B. **Enforcement.** If the Director determines that any violation of this UDC is taking place, or that a condition of zoning, variance, or other permit or administrative approvals are not complied with, the Director shall present to the owner, owner's agent, occupier, or party

responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.

- C. **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).
- D. **Responsibility of Historic Properties or Buildings.** The owner of any historic property or buildings within historic districts shall be responsible for any maintenance or repair to deterioration by neglect. Such conditions shall include but not be limited to broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a building's structural system. In the event the owner fails to provide ordinary maintenance or repair, it will be considered a violation in accordance with this Chapter.

12.3.2 Procedure for Violations

There shall be a three-step procedure for violations of this UDC. 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 ~~thirty (30)~~30 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 this Section.
- 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 ~~fifteen (15)~~15 days to pay said fines and/or comply with the penalties. The person(s) in violation must correct the violation within ~~fifteen (15)~~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.

12.3.3 Notice of Violation

- A. The written notice of violation shall at least contain the following information:
 - 1. The name and address of the owner or responsible person;

2. The address or other description of the site upon which the violation is occurring;
 3. A description of the nature of the violation;
 4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this UDC;
 5. The deadline or completion date of any such remedial actions or measures, to consist of not less than ~~thirty (30)~~30 days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient;
 6. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the notice of violation is directed; and
 7. The name and contact information of the enforcement officer who drafted the Notice of Violation.
- B. If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this Article, provided that the Community Development Director may, at their discretion, extend the time for compliance with any such notice.
- C. The Community Development Director also shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Community Development Director and shall, under no circumstances, be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in subsection ~~(a)~~A of Section 12.3.3, Notice of Violation. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Community Development Director, said Director may proceed with a notice of violation or other authorized enforcement action.
- D. The Community Development Director also shall have the authority to extend the originally issued deadline for compliance by up to six (6) months, if it is established to the Community Development Director's satisfaction that the responsible party is:
1. Acting in good faith to comply with the notice by taking incremental action to remedy the situation; and
 2. Is unusable to comply with the original deadline presented due to financial, medical, or legal hardship, or another extenuating circumstance.

12.3.4 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 public right-of-way, easement, or sight visibility triangle in violation of this UDC.
 - 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, City Fire Department, and/or other City 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 ~~twenty-four (24)~~ 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 UDC 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.
- C. 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 ~~thirty (30)~~ 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 twenty-five dollar (\$25.00) 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 UDC.

- D. 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.

12.4 Stop Work Orders and Revocations

The Community Development 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.

12.4 Other Enforcement

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, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Community Development Director shall first notify the applicant or other responsible person in writing of its intended action as provided in Section 12.3.3, Notice of Violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Community Development Director may take any one or more of the following actions or impose any one or more of the penalties provided in Section 12.6, Penalties for violations:

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- A. **Withhold Certificate of Completion/Occupancy.** The Community Development Director may refuse to issue a certificate of completion/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.
- B. **Suspension, Revocation, or Modification of Permit.** The Community Development Director may suspend, revoke or modify the permit authorizing the 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 Community Development Director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- C. **Bond Forfeiture.** The Community Development Director may forfeit a bond, if required to post one. The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site and bring it into compliance.

12.6 Penalties for Violations

The Community Development Director 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. **Civil penalties.** Where authorized by statute, 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 by the specified deadline or completion date, the City may impose a penalty not to exceed \$1,000 (for each day the violation is not remedied after the specified deadline or completion date).
- B. **Criminal penalties.** The Police Department or Community Development Director may issue a citation to the applicant or other responsible person, requiring such person to appear in the magistrate court of the City to answer charges for such violation. Upon conviction, a fine not to exceed \$1,000, except where authorized by law, or imprisonment for 60 days, or both shall punish such person. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. Nothing in this UDC shall require issuance of notice of violation or stop work order prior to the issuance of a citation.

12.7 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 thirty (30) 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.

12.8 Enforcement, Remedies, or Injunctive Relief

The Community Development Director (and their designees) may bring an action in the City municipal court to invoke any legal, equitable, or special remedy, for the enforcement of any code or regulation, and its subsequent amendments.

CHAPTER 13: BUFFERS, LANDSCAPING, AND TREE PROTECTION

13.1 General

- A. **Findings.** Whereas, The City of Stockbridge finds that trees and associated vegetation provide substantial public benefits and that their preservation and management are essential to protecting the public health, safety, welfare, environmental quality, and economic vitality of the community. Trees contribute to Stockbridge in the following ways:
1. **Public Health and Air Quality.** Trees produce oxygen essential to human and animal life and improve air quality by absorbing carbon dioxide and intercepting dust, particulate matter, and airborne pollutants. Additionally, trees sequester carbon and contribute to long-term ecological balance, resource stewardship, and community sustainability.
 2. **Stormwater Management and Water Quality Protection.** Trees and their root systems reduce soil erosion, increase stormwater infiltration, decrease runoff and sedimentation, improve water quality, and enhance the natural functions of streams, floodplains, and related buffers, supporting infrastructure sustainability.
 3. **Wildlife Habitat and Biodiversity.** Trees and understory vegetation provide food, shelter, and movement corridors for wildlife, supporting biodiversity and overall ecosystem health.
 4. **Preservation of Mature Tree Canopy.** Existing mature trees provide the greatest ecological benefits, including shading, habitat value, stormwater absorption, and carbon storage, and therefore warrant priority for preservation during development activities.
 5. **Scenic Quality and Community Character.** Trees soften the visual impact of development, streets, and infrastructure, enhance scenic beauty, and contribute to the unique identity and natural character of the City of Stockbridge.
 6. **Noise, Glare, and Land Use Compatibility.** Trees and landscaping provide effective screening and buffering between dissimilar land uses, reducing noise, glare, wind, and visual impacts, and promoting a healthy, livable environment.

7. **Protection of Public and Private Infrastructure.** Proper planning, placement, and maintenance of trees minimize conflicts with buildings, utilities, streets, and other infrastructure while maximizing long-term environmental and economic benefits.
8. **Temperature Moderation.** Tree canopy provides shade and cooling that reduces urban heat, moderates air temperatures, and supports long-term public health by mitigating the impacts of extreme heat and climate variability
9. **Economic Value and Property Enhancement.** Well-preserved and thoughtfully planted trees enhance property values, support economic activity, and improve the visual character and marketability of real property.

B. Purpose

1. 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. 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.
2. These standards establish requirements for tree preservation and protection during land development and construction, prevent unnecessary loss of mature trees through clear-cutting and mass grading, ensure appropriate replanting when tree removal occurs, and protect trees during public and private construction activities to support the quality of life in the City.

13.2 Applicability

A. The terms and provisions of this Chapter shall apply to:

1. All real property in the City of Stockbridge city limits except as otherwise provided in this Chapter.
2. 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 Chapter.
3. Development on any City-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this Chapter.

B. No tree or protected landscape feature shall be removed, damaged, or otherwise impacted except in full compliance with the requirements set forth herein.

13.3 Exemptions

A. The following shall be exempt from the provisions of this chapter:

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 (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 Henry County extension service, the State forestry commission, a certified arborist, or urban forester.
5. The removal of structurally declining trees as determined by the Henry County extension service, the State forestry commission, an certified arborist, or urban forester.
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 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 Grandfathered Provisions

This Chapter 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 the director's designee prior the adoption of the ordinance from which this chapter is derived, provided that all time constraints relating to the permit issued shall be observed.

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 Director's designee this Chapter as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of this Chapter 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 must be a to-scale map or site plan prepared and sealed by a registered surveyor, ~~or~~ and certified engineer, arborist or landscape architect, and shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. The survey shall identify:
 - a. All specimen trees and all trees that are to be preserved and counted toward meeting density requirements and inventoried by size (caliper or DBH, whichever is applicable) and species. Trees larger than two (2) inches (DBH) may be identified and counted for unit credit on;
 - b. All specimen tree critical root zones;
 - c. Trees which are proposed to be removed;
 - d. All tree protection zones and tree save areas;
 - e. All buffer with existing trees; and
 - f. Sampling methods may be used to determine tree densities for forested areas, as approved by the Director.
3. **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:

- a. Limits of land disturbance, clearing, grading, and trenching;
 - b. Tree save areas;
 - c. Specimen trees;
 - d. Areas of revegetation;
 - e. Location, species, and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site;
 - f. Tree fences;
 - g. Erosion control fences;
 - h. Tree protection signs;
 - i. Tree wells;
 - j. Aeration systems;
 - k. Transplanting specifications;
 - l. Staking specifications;
 - m. Utility lines existing and proposed. 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;
 - n. Procedures and schedules for the implementation, installation, and maintenance of tree protection measures;
 - o. Calculations of tree density proposed on site; and
 - p. Other applicable drawings as determined by the Director.
- B. No development or building permit shall be issued until the tree protection plan has been approved by the Director.
- C. 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
- D. **Tree Protection Inspection.** Following the receipt of a complete application, the Director 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.
- 1. Following the inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, this Chapter, 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.
 - 2. **Final Inspection.** No Certificate of Occupancy shall be issued by the Director with respect to any permit subject to this section unless and until the Director 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.

- E. **Tree Protection Methods.** Methods for tree protection must be shown on the tree protection plan. Acceptable methods of tree protection are as follows:
1. Trees identified to be preserved must have a valid, recognizable method of tree protection (tree save) marking or delineation installed at the critical root zones.
 2. No person engaged in the construction of any structure or improvement may encroach on a designated tree-save or critical root zone area with heavy machinery, temporary construction related structures such as trailers or portable toilets, or the storage of heavy building materials.
 3. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. This includes, but is not limited to, chain link, orange laminated plastic, wooden post and rail fencing, or other appropriate methods that can identify the noninvasive drip line area.
 4. The barrier must be placed beyond the critical root zone and prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking of vehicles or equipment within the tree save area
 5. All tree protection measures shall be installed prior to land disturbance.

13.6 Tree Protection

13.6.1 Tree Removal

- A. **Removal of Specimen Trees.** The removal of specimen trees from a site may only be allowed in accordance with this Section.
1. Any tree in fair or better condition which equals or exceeds the following diameter sizes is considered a specimen tree:
 - a. Large hardwoods, i.e. oaks, hickories, tulip poplars, and similar species at least 30 inches DBH.
 - b. Large softwoods, i.e. pines, evergreens, and similar species at least 30 inches DBH.
 - c. Small trees, i.e. dogwoods, redbuds, sourwoods, and similar species at least ~~ten~~ (10) inches DBH.
 - d. A tree which may not meet the size requirements above but which is:
 - i. It is a rare or unusual species or of historical significance.
 - ii. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.
 - iii. It is a tree with exceptional aesthetic quality.

2. A tree in fair or better condition should meet the following minimum standards:

- a. A life expectancy of greater than ~~fifteen (15)~~15 years.
- b. A relatively sound and solid trunk with no extensive decay or hollow, and less than ~~ten percent (10%)~~ radial trunk dieback.
- c. No major insect or pathological problem.

3. The Director 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

4. **Permit.**

- a. Removal of any specimen tree requires a permit. The permit must include the following information:
 - i. A written explanation as to why the tree cannot be retained on the site.
 - ii. Consideration as to whether features of the proposed development can be relocated or designed in a manner that would allow for the retention of the specimen tree and any economic impacts which may occur as a result of such relocations or designs.
- b. The application to remove a specimen tree may be issued upon finding one or more of the following conditions are met:
 - i. Evidence that alternative site and building designs have been considered by the applicant but would not result in retention of the specimen tree.
 - ii. Retention of the specimen tree would result in less economic use of the property.
 - iii. The site design results in the removal of the minimum number of specimen trees necessary to accommodate the development.
 - iv. The request to remove a specimen tree or trees is reasonable considering the remaining specimen trees on the site that will be retained.

B. **Removal of Nonspecimen Trees.** The removal of nonspecimen trees from a site may be allowed if:

1. The tree is located in an area where a structure or improvement will be placed.
2. The tree is diseased or structurally unsound.
3. The tree poses an imminent danger.

3. **Total TDUs Provided.** Add all credits for all proposed preservation and replacement and subtract all deductions for all proposed removals. The result is the total TDUs provided on the site.
 4. **Required TDUs.** Multiply the minimum TDU requirement and compare the result to the total TDUs provided to determine compliance.
 5. **Encroachment and Damage.** Unauthorized encroachment, damage, or removal of trees shall be subject to the fines and enforcement measures.
- F. Table 13.5.2.F, Tree Density Units for Existing Deciduous Trees provides the conversion from diameter to density factor units for existing deciduous trees to remain on site.

Table 13.5.2.F – Tree Density for Existing Deciduous Trees	
Existing Tree DBH (inches)	Density Units
2	0.8
3	0.8
4	1.6
5	1.6
6	1.6
7	2.4
8	2.4
9	2.4
10	3.2
11	3.2
12	3.2
13	4.0
14	4.0
15	4.0
16	4.8
17	4.8
18	4.8
19	5.4

20	5.4
21	5.4
22	6.0
23	6.0
24	6.0
25	6.8
26	7.4
27	8.0
26	8.6
29	9.2
30	9.8
31	10.4
32	11.2
33	11.8
34	12.3
35	13.4
36	14.2
37	15.0
38	15.8
39	16.6
40	17.4
41	18.4
42	19.2
43	20.2
44	21.2
45	22.0
46	23.0

47	24.0
48	25.2
49	26.2
50	27.2

- G. Table 13.5.2.G, Tree Density Units for Evergreens and Conifers provides the conversion from diameter to density factor units for evergreens and conifers to remain on site.

Table 13.5.2.G – Tree Density Units for Evergreen and Conifers	
Existing Tree DBH (inches)	Density Units
2	0.6
3	0.6
4	1.4
5	1.4
6	1.4
7	2.2
8	2.2
9	2.2
10	3.1
11	3.1
12	3.1
13	3.9
14	3.9
15	3.9
16 and above	Same as deciduous trees found in <u>Table 13.6.F</u>

H. **Required Front Yard Trees.**

1. Properties zoned RR, NR and SR shall provide a minimum of two (2) overstory trees, each not less than two (2) inches caliper, within the required front yard.
2. Properties zoned CCR and MFR shall provide a minimum of one (1) overstory tree, not less than two (2) inches caliper, within the required front yard.

3. Required front yard trees may be existing preserved trees or newly planted replacement trees, provided they satisfy applicable size and species requirements.
4. **Existing Credit.** Existing preserved overstory trees located within the required front yard may satisfy front yard tree requirements where such trees meet minimum size and species standards.

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13.6.3 Mitigation Measures

- A. **General.** It shall be the policy of the City to maximize the preservation and maintenance of existing trees and where necessary the planting of replacement trees. An approved Tree Protection and Replacement Plan must be included as a condition for issuance of a Land Disturbance Permit. The City shall have the authority to reject and/or approve appropriate measures (including a combination of measures) based on the requirements of this Chapter and the particular circumstances of each project. It shall also be the policy of the City to provide guidelines for new tree plantings in those instances where no trees currently exist.
- B. **Preservation and Protection of Existing Trees.**
 1. The required Site Density Factor shall first be met with existing trees when possible. When a choice is available as to which existing trees to save, specimen trees, even isolated individual trees, shall be given preference over other trees.
 2. If significant trees exist on a tract of land for which a permit subject to this section is sought, either one 120 inches (DBH) per acre or 25% 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, LI, or HI may be located in stream buffers, State buffer zones, transitional buffer zones, or designated floodplains.
 3. **Understory Vegetation.** Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director in order to allow the removal of undesirable groundcover or understory vegetation.
- C. **Planting of New Trees.**
 1. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
 2. If the required Site Density Factor cannot be accomplished with existing trees, replacement trees shall be planted as required by this Chapter.
 3. If the Director 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 120 inches (DBH) per acre or less of existing significant trees, the Director may permit the removal of one (1) or more significant trees. Trees removed pursuant

to this section must be replaced with trees totaling one (1) times the diameter inches of those inches removed.

4. There shall be at least two (2) two-inch (DBH) overstory trees in every front yard of properties zoned RR, NR, and SR.
5. There shall be at least one (1) two-inch (DBH) overstory tree in every front yard of properties zoned CCR and MFR.
6. 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.

D. Protection of Trees During Construction.

1. Trees identified to be preserved and counted as credit for meeting required unit density shall have four (4) foot tall orange tree protection fencing installed six (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, shall be treated according to accepted National Arborists Association standards.
 - a. If fatally damaged (50% of critical root zone disturbance or structural damage confirmed by an arborist, trees shall be replaced with four (4) inch caliper trees equal to the unit value of the tree removed.
 - b. However, any specimen tree negligently damaged as described above shall be replaced with four (4) inch caliper trees equal to one and one-half (1.5) times the equivalent inches (DBH) of the tree removed or damaged.
 - c. Replacement of failed replacement trees must occur within 30 days or the next planting season if failure occurs outside planting windows.

E. Damage or Disturbance to Trees.

1. **General Prohibition.** No person shall cause or permit the damage, destruction, or disturbance of any tree regulated except as authorized or exempted under this chapter at any time, including but not limited to:
 - a. Grading, trenching, or excavation within the critical root zone;

- b. Soil compaction, alteration of grade, or placement of impervious surfaces within a critical root zone;
 - c. Storage of materials, equipment, or debris within the critical root zone;
 - d. Damage caused by vehicles, machinery, or improper pruning;
 - e. Failure to maintain tree protection fencing or required measures during construction; or
 - f. Removal or death of a tree due to neglect of required protection or maintenance measures.
- 2. **Verification and Determination of Damage.** If encroachment or other activity results in the decline, irreversible damage, or death of a tree, as verified by a certified arborist, the tree shall be deemed removed and subject to the replacement provisions of this Chapter.
- 3. **Plan Revision and Replacement.** The approved Tree Survey and/or Replacement Plan shall be revised to reflect the loss, with replacement trees and/or additional tree density units (TDUs) required to fully compensate for the damage. The revised plan shall be approved by the Director prior to the continuation of site work.
- 4. **Continued Enforcement.** Revisions to the Tree Survey and/or Replacement Plan shall not preclude enforcement action. The developer, property owner, or responsible party shall remain liable for all penalties, restoration, and replanting obligations resulting from the violation.

F. Removal of Trees from Floodplain.

- 1. Trees shall not be cut or removed from the floodplain, except as follows:
 - a. 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 the Director prior to tree removal. This report shall identify the conditions of the tree(s) that necessitate removal.
 - b. As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
 - c. As part of an approved wetland mitigation plan.

G. Protection of Understory Vegetation

- 1. Tree save areas and tree protection areas shall preserve naturally occurring understory vegetation and groundcover to the maximum extent practicable.
- 2. Naturally occurring understory vegetation within tree preservation areas shall remain intact except where removal is approved by the Director for:
 - a. Removal of invasive species;

- b. Removal of hazardous or diseased vegetation;
 - c. Selective removal necessary to promote tree health or survivability; or
 - d. Approved restoration, utility, access, or maintenance activity.
3. Disturbance of understory vegetation within tree save areas shall be minimized to preserve soil stability, root protection, and ecological function.

13.6.4 Tree Replacement Standards

- A. Table 13.6.4, Tree Density Unit Values for Replacement Deciduous Trees provides the conversion from diameter to density factor units for deciduous replacement trees.

Table 13.6.4 – Tree Density Unit Values for Replacement Deciduous Trees	
Caliper of Replacement Tree (inches)	Density Units
2	0.4
3	0.5
4	0.7
5	0.8
6	1.0
7	1.1
8	1.2
9	1.3
10	1.5
11	1.6
12 inches or greater	2.0

- B. Seven (7) gallon container-grown pine trees are given replacement value of 0.05 density units. The Director may approve one (1) gallon or three (3) gallon pines. There will be no replacement value given for such trees.
- C. At least 50% of replacement trees must be overstory trees.
- D. No more than 25% of replacement trees may be of any single species
- E. No more than 25% of replacement trees may be evergreen species.
- F. Any trees eight (8) inches (DBH) and over which have been removed in violation of this Chapter shall be replaced by the violator with four (4) inch caliper replacement trees equal to the unit value of the trees removed.

- G. Any specimen tree removed from a parcel shall be replaced by one and one-half (1.5) times the equivalent inches (DBH) of replacement trees or existing trees using species with potentials for comparable size and quality at maturity.

H. **Tree Relocation and Tree Credit.**

1. Tree relocation and credit for existing trees replacement units will be granted to trees relocated on site, subject to approval of the Director. 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.
 2. Trees used for credit on the tree replacement plan must be chosen from the Table 13.65.5, Recommended Tree List.
- I. Unless otherwise approved by the Director, 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 included in Table 13.65.5, Recommended Tree List.
- J. 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.
- K. 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.
- L. Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director.

13.6.5 Recommended Tree Species

- A. Table 13.6.5, Recommended Tree List represents the recommended trees to be utilized when the planting or replanting of trees is required by this UDC.

Table 13.6.5 – Recommended Tree List			
Overstory Tree Species			
Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer rubrum</i>	Red Maple	October Glory, Red Sunset	Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous
<i>Betula nigra</i>	Riverbirch	Duraheat	Deciduous
<i>Carya aquatica</i>	Water Hickory	Availability	Deciduous
<i>Carya cordiformis</i>	Bitternut Hickory	Availability	Deciduous
<i>Carya glabra</i>	Pignut Hickory	Availability	Deciduous

<i>Carya illinoensis</i>	Pecan		Deciduous
<i>Carya tomentosa</i>	Mockernut Hickory	Availability	Deciduous
<i>Celtis occidentalis</i>	Hackberry		Deciduous
<i>Diospyros virginiana</i>	American Persimmon		Deciduous
<i>Fagus grandifolia</i>	American Beech		Deciduous
<i>Fraxinus pennsylvanica</i>	Green Ash		Deciduous
<i>Fraxinus tomentosa</i>	Pumpkin Ash		Deciduous
<i>Gleditsia triacanthos</i>	Honeylocust (seedless)		Deciduous
<i>Ilex opaca</i>	American Holly		Evergreen
<i>Juglans nigra</i>	Black Walnut		Deciduous
<i>Juniperus virginiana</i>	Red Cedar	Brodie	Evergreen
<i>Liquidambar styraciflua</i>	Sweetgum	Limited Use— Rotundiloba (Avail.)	Deciduous
<i>Liriodendron tulipifera</i>	Tulip Poplar	Limited Use	Deciduous
<i>Magnolia acuminata</i>	Cucumbertree		Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Deciduous
<i>Nyssa sylvatica</i>	Black Gum		Deciduous
<i>Nyssa ogeeche</i>	Swamp Tupelo		Deciduous
<i>Pinus echinata</i>	Shortleaf Pine		Evergreen
<i>Pinus strobus</i>	Eastern White Pine		Evergreen
<i>Pinus taeda</i>	Loblolly Pine		Evergreen
<i>Platanus occidentalis</i>	Sycamore		Deciduous
<i>Populus deltoides</i>	Eastern Cottonwood		Deciduous
<i>Quercus alba</i>	White Oak		Deciduous

<i>Quercus coccinea</i>	Scarlet Oak		Deciduous
<i>Quercus falcata</i>	Southern Red Oak		Deciduous
<i>Quercus georgiana</i>	Georgia Oak		Deciduous
<i>Quercus hemisphaerica</i>	Laurel Oak		Evergreen
<i>Quercus lyrata</i>	Overcup Oak		Deciduous
<i>Quercus laurifolia</i>	Laurel Oak		Deciduous
<i>Quercus michauxii</i>	Swamp Chestnut Oak		Deciduous
<i>Quercus muehlenbergii</i>	Chinkapin Oak		Deciduous
<i>Quercus nigra</i>	Water Oak		Deciduous
<i>Quercus nuttalli</i>	Nuttall Oak		Deciduous
<i>Quercus palustris</i>	Pin Oak		Deciduous
<i>Quercus phellos</i>	Willow Oak		Deciduous
<i>Quercus prinus</i>	Chestnut Oak	Availability	Deciduous
<i>Quercus rubra</i>	Northern Red Oak		Deciduous
<i>Quercus shumardii</i>	Shumard Red Oak		Deciduous
<i>Quercus stellata</i>	Post Oak		Deciduous
<i>Quercus velutina</i>	Black Oak		Deciduous
<i>Salix spp.</i>	Willow		Deciduous
<i>Taxodium distichum</i>	Bald Cypress	Shawnee Brave	Deciduous
<i>Tilia americana</i>	American Basswood (Linden)		Deciduous
<i>Ulmus alata</i>	Winged Elm		Deciduous
Understory and Other Small Tree Species			
Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer barbatum</i>	Florida Maple		Deciduous
<i>Acer leucoderme</i>	Chalk Maple		Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous

<i>Aesculus pavia</i>	Red Buckeye		Deciduous
<i>Alnus serrulata</i>	Alder		Deciduous
<i>Amelanchier grandiflora</i> x	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
<i>Aralia spinosa</i>	Devils Walking Stick		Deciduous
<i>Asimina triloba</i>	Pawpaw		Deciduous
<i>Betula nigra</i>	River Birch	Little King	Deciduous
<i>Carpinus caroliniana</i>	American Hornbeam		Deciduous
<i>Castanea pumila</i>	Chinkapin		Deciduous
<i>Celtis tenuifolia</i>	Georgia Hackberry		Deciduous
<i>Celtis laevigata</i>	Sugarberry		Deciduous
<i>Cercis canadensis</i>	Eastern Redbud		Deciduous
<i>Cercis reniformis</i>	Redbud	Oklahoma	
<i>Chioanthus virginicus</i>	White Fringetree		Deciduous
<i>Cladrastis kentukea</i>	Yellowwood		Deciduous
<i>Cornus spp.</i>	Dogwood	Florida and Kousa crosses	Deciduous
<i>Cornus florida</i>	Flowering Dogwood	Aurora	Deciduous
<i>Corylus americana</i>	American Filbert Hazelnut		Deciduous
<i>Cotinus obovatus</i>	Smoketree		Deciduous
<i>Crataegus aestivalis</i>	Mayhaw		Deciduous
<i>Crataegus spp.</i>	Hawthorn	Thornless cultivars	Deciduous
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		Deciduous
<i>Diospyros virginiana</i>	Persimmon		Deciduous
<i>Halesia carolina</i>	Silverbell		Deciduous
<i>Halesia diptera</i>	Two _____Winged Silverbell		Deciduous

<i>Hamamelis virginiana</i>	Witch-hazel		Deciduous
<i>Ilex spp.</i>	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
<i>Ilex decidua</i>	Possumhaw		Deciduous
<i>Juniperus virginiana</i>	Red Cedar		
<i>Lagerstromia indica x faurieri</i>	Crape Myrtle	Tree form cultivars disease resistant and hardy, e.g., Choctaw, Natchez	Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen
<i>Magnolia x loebneri</i>	Loebner Magnolia	Merrill	Deciduous
<i>Magnolia macrophylla</i>	Bigleaf Magnolia		Deciduous
<i>Magnolia soulangiana</i>	Saucer Magnolia		Deciduous
<i>Magnolia stellata</i>	Star Magnolia	Star Man	
<i>Magnolia tripetala</i>	Umbrella Magnolia		Deciduous
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Evergreen
<i>Myrica cerifera</i>	Waxmyrtle		Evergreen
<i>Osmanthus americanus</i>	Devilwood		Evergreen
<i>Ostrya virginiana</i>	Eastern Hophombeam		Deciduous
<i>Oxydendrum arboreurn.</i>	Sourwood		Deciduous
<i>Pinus Virginiana</i>	Virginia Pine	Slopes, Screen	Evergreen
<i>Pistacia chinensis</i>	Chinese Pistache		Deciduous
<i>Prunus angustifolia</i>		Chickasaw Plum	Deciduous

<i>Rhamnus caroliniana</i>	Carolina Buckthorn		Deciduous
<i>Rhus glabra</i>	Staghorn Sumac		Deciduous
<i>Salix sericea</i>	Silky Willow		Deciduous
<i>Sassafras albidum</i>	Sassafras		Deciduous
<i>Styrax americana</i>	Snowbell		Deciduous
<i>Ulmus alata</i>	Winged Elm		Deciduous
<i>Vaccinium arboreum</i>	Sparkleberry		Evergreen
Trees for Under Powerlines			
Scientific Name	Common Name	Recommended	
<i>Aesculus pavia</i>	Red Buckeye		
<i>Alnus serrulata</i>	Alder		
<i>Cercis canadensis</i>	Redbud		
<i>Chionanthus virginicus</i>	White Fringetree		
<i>Cornus spp.</i>	Dogwood	Florida and Kousa crosses	
<i>Cornus florida</i>	Flowering Dogwood	Disease resistant varieties, Aurora	
<i>Corylus americana</i>	American Filbert Hazelnut		
<i>Cotinus obovatus</i>	Smoketree		
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		
<i>Ilex spp.</i>	Holly	Nellie R. Stevens, tree form Burford, Yaupon	
<i>Magnolia soulangiana</i>	Saucer Magnolia		
<i>Myrica cerifera</i>	Waxmyrtle		
<i>Oxydendrum arboreum</i>	Sourwood		
<i>Prunus angustifolia</i>	Chickasaw Plum		

13.6.6 Invasive Species

- A. **General.** For purposes of this section, an invasive species shall include any plant species identified as invasive or prohibited by one or more of the following authorities, as amended from time to time:
 - 1. The Georgia Exotic Pest Plant Council (GEPPC);
 - 2. The Georgia Forestry Commission; or
 - 3. Any additional authoritative source approved by the Director
- B. No person, property owner, developer, contractor, or agent shall plant, install, replant, or cause to be planted any tree, shrub, vine, groundcover, or other vegetation identified as an invasive species in connection with any development activity, landscaping installation, buffer planting, tree replacement, mitigation plan, or maintenance obligation required or regulated by this Chapter.
- C. **Administrative Invasive Plant Species.** The Director is hereby authorized to maintain and periodically update an administrative list of invasive plant species prohibited from planting within the City of Stockbridge. The administrative list shall be used for review and enforcement purposes and shall not require formal amendment of this Chapter.
- D. **Removal and Maintenance of Invasive Species.**
 - 1. **Invasive Species Removal.** Where invasive species are identified within required tree save areas, buffers, landscape areas, or mitigation plantings, the Director may require their removal and replacement with approved non-invasive species consistent with the intent of this Chapter.
 - 2. **Replacement Requirements.** Removal of invasive species shall not generate tree density credit or replacement credit unless otherwise approved by the Director. Replacement plantings shall comply with all applicable tree preservation, replacement, and landscape standards of this chapter.
- E. **Enforcement and Violations.**
 - 1. **Violation:** Planting or allowing the planting of prohibited invasive species in violation of this section shall constitute a violation of this chapter.
 - 2. **Corrective Action:** In addition to any penalties, the Director may require corrective action, including removal and replacement of prohibited plant species at the expense of the responsible party.

13.7 Buffer Requirements

13.7.1 Buffer Standards

- 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:
- B. As specified in Table 13.74-6.3.A, Buffer Widths the "Buffer Area Standards Table;"

-
- C. As specified in a residential zoning district for a permitted nonresidential use (e.g. a church, temple, synagogue, etc.); or
 - D. As required by a condition of zoning, special use, or variance approval.

13.7.2 Buffer Installation Requirements

- A. 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 replantings as may be required.
- B. Minimum required screening shall consist of an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six (6) feet high within two (2) growing seasons.
- C. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, trail easement, etc.), the screening requirements of this ~~unified development code~~ UDC shall be met outside of the easement area, to ensure a continuous buffer.
- D. **Location.**
 - 1. Buffers shall be measured from the property line.
 - 2. Buffers shall be located on the outer perimeter of a lot or parcel, parallel to the lot or parcel boundary line and must be provided along the entire site or lot immediately abutting the property line.
 - 3. 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.
 - 4. Breaks for pedestrian, bicycle, and vehicle access are allowed, as approved by the Director. Driveways or walkways must cross a buffer at as near a perpendicular angle as practical.
 - 5. The parking of vehicles and the placement of buildings or structures, except as provided below, is not allowed in a required buffer.

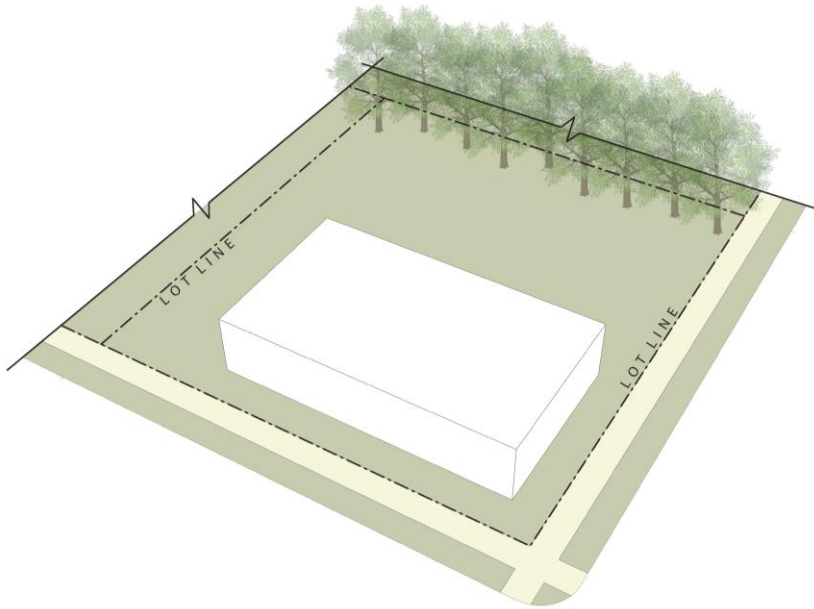


Figure 13.7.2.D - Buffer Location Standards

E. Plantings.

1. Buffer 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.
2. **Supplemental Plantings.** Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Section shall be planted with supplemental plantings so as to provide a year-round visual screen. Such screen shall include:
 - a. Two (2) canopy trees for each 50 feet of buffer length. Canopy trees shall be two-and-a-half (2.5) inch caliper;
 - b. Two (2) understory trees for each 50 feet of buffer length. Understory trees shall be two (2) inch caliper;
 - c. Fifteen (15) screening shrubs with a minimum install height of four (4) feet.
 - d. New deciduous trees shall have a caliper of no less than two (2) inches upon planting, and new evergreens shall be at least six (6) feet tall when planted.

F. Non-Vegetative Screening.

1. 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.
2. 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.
3. If walls or fences are to be utilized, their placement and installation shall be such to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
4. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

G. Maintenance. Buffers shall be maintained, in perpetuity, by the property owner.

13.7.3 Buffer Widths

- A. Minimum Width.** Buffer widths shall comply Table 134.76.3.A, Buffer Widths, required along the property lines, where applicable.

Table 13.7.3.A – Buffer Widths				
Proposed Development Type	RR, NR, SR	Adjacent Zoning		
		CCR, MFR, MHR	Nonresidential (C1, C2, OI, LI, and HI)	Mixed-Use (DT, MUS, MU, PUD)
Single-Family Attached (Townhomes, Two-Family) and Multi-Family	25 FT	0 FT	50 FT	0 FT
Business/Commercial, Public Institutional, or Mixed-Use	50 FT	50 FT	0 FT	0 FT
Industrial	100 FT	100 FT	0 FT	0 FT

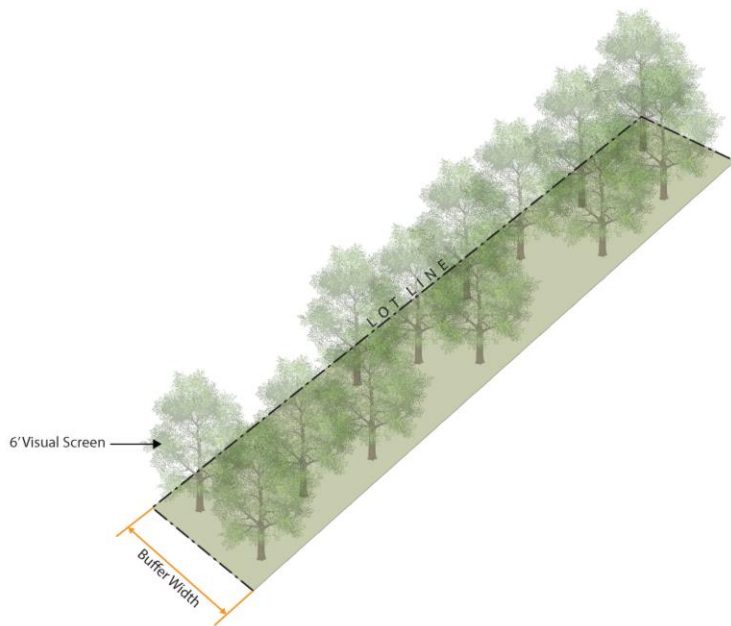


Figure 13.7.3 - Buffer Width Standards

13.7.4 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.
- E.D. Trail installation or connections required per Section 16.7, Trail Construction Standards are authorized to encroach within the buffer. All clearing associated with the construction of such path shall be contained within the required width of the path.

13.7.5 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. Limits of disturbance shall be located a minimum of ten (10) feet from the edge of the buffer.
- B. The method of demarcation and protection shall at a minimum be a continuous single row of four (4) foot tall orange vinyl (or other high visibility color) tree protection fence or shall be protected as required by the Community Development Department.

13.8 Landscape Requirements

13.8.1 Applicability

- A. **Compliance Required.** Compliance with this Section shall be required in the following development circumstances:
 1. Subdivision, construction, or reconstruction of all residential and nonresidential developments, except as exempted herein.
 2. Expansion or alteration of the gross floor area of an existing multi-family dwelling, mixed-use, or nonresidential building by 50 percent or more.
- B. **Compliance Exemptions.** Compliance with this Section shall not be required in the following circumstances:
 1. Individual lot, single-family development.
 2. Duplexes; and
 3. Accessory uses, structures, or temporary uses.

13.8.2 General Requirements

- A. Strategically locate deciduous trees and plants to provide shade and windbreaks to reduce building energy use.
- B. Coniferous plant material clusters should be sensitively located to create strong visual impact while not impeding views (both into the site and out to the surrounding landscape) or negatively impacting circulation of vehicles.
- C. Landscape design must consider climate, urban and natural context, and local character. The effects of solar access and shade on roads and sidewalks should be considered when locating landscape materials.
- D. Reduce water consumption by using xeric plants appropriate to the climate and location.
- E. Install plant material by hydro-zones based on water requirements.

13.8.3 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 no 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, to maintain visual

clearance for public safety, and to ensure that landscape and buffer areas serve the intended purpose.

- C. Provide efficient irrigation systems for all plant materials. Wherever possible, employ the use of flow sensors and weather sensing elements such as rain sensors to ensure that water is not wasted.

13.8.4 Street Trees

- A. Street trees shall be provided by the developer in non-residential zoning districts under the following conditions:
 - 1. In Overlay Districts listed in Chapter 2, Zoning and Overlay Districts.
 - 2. In zoning districts MUS, MU, and DT.
 - 3. As a condition of zoning.
- B. **Regulations.** When street trees are required in non-residential and mixed-use zoning districts the following regulations shall apply:
 - 1. Street trees shall be located along the property frontage, either inside or outside of the public right-of-way, in no case closer than 11 feet to the edge of pavement or back of curb. When the street trees are proposed inside the right-of-way, they shall be located outside of the clear zone per the current edition of the AASHTO Roadside Design Guide subject to Department of Transportation approval.
 - 2. One tree per 50 linear feet of property frontage shall be provided.
 - 3. Street trees shall be selected from Table 4-7.413.8.4.C, Street Trees and shall be two-and-a-half (2.5) inch caliper and six (6) feet in height at the time of planting.
 - 4. Street trees shall be spaced as evenly as possible along the property frontage to create a unified and repetitive tree canopy at maturity with consideration given to lighting, underground utility placement, and utility easements.
 - 5. No more than ~~twenty-five (25)~~25 (or ~~twenty-five percent (25%)~~25% of the total number, whichever is greater) of the trees installed may be of any one (1) genus.
 - 6. No more than ~~twenty-five percent (25%)~~25% of the street trees used in a single development shall be of the small tree species in Table 4-7.413.8.4.C, Street Trees, unless limited by roadway classification or posted speed limit that affect tree placement.
 - 7. No street tree or streetlight standard shall be placed within ten (10) feet of another tree, streetlight standard, utility pole or within five (5) feet of a fire hydrant.
- C. **Appropriate Tree Species.** Trees selected for planting or replanting shall be a native species per the Georgia Forestry Commission list of native Georgia trees, or selected from the approved tree list, Table 13.8.4.C Street Trees.

Table 13.8.4.C – Street Trees

Large Trees	Small Trees
Nuttall Oak	Crepe Myrtle
Shumard Oak	Saucer Magnolia (variety: Butterflies)
Willow Oak	Chinese Fringe Tree
Gingko (variety: President, Autumn Gold, male gender)	Golden Rain Tree
Princeton Elm	Texas Redbud (Cercis reniformis)
Chinese Elm (varieties: Allee, Athena, Drake, Bosque)	Kousa Dogwood
Bald Cypress (variety: Shawnee Brave)	Washington Hawthorn 'Princeton Sentry'
Zelkova (variety: Green Vase or Village Green)	Zelkova (variety: Wires)
Northern Red Oak	
Red Leaf Maple	

13.8.5 Landscape Strips

- A. **Applicability:** All surface parking areas (of any size) abutting a public street (not including an alley) must be screened using one of the following options.
- B. **Landscape Strip Requirements:** A minimum ten (10) foot wide landscape strip planted with a minimum of ten (10) shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be provided to screen paved areas and parking lots from the right-of-way.

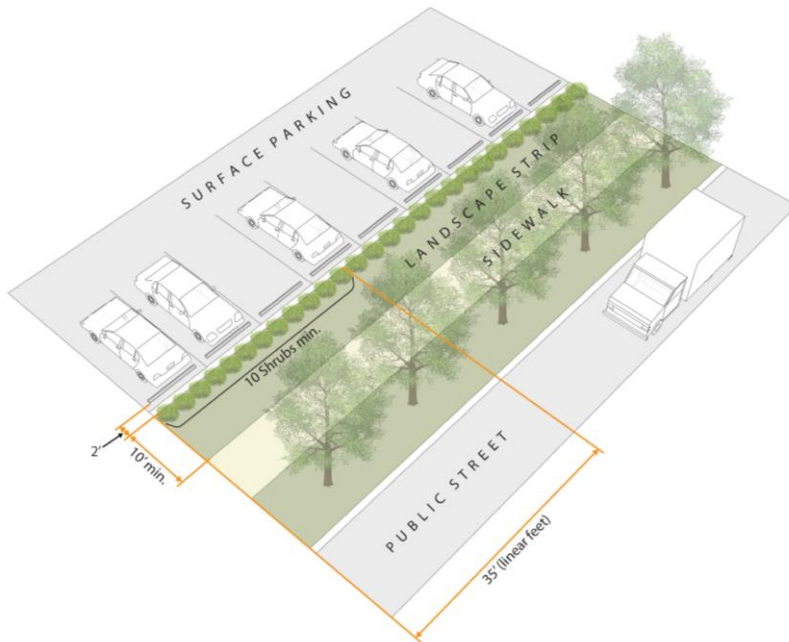


Figure 13.8.5 - Landscape Strip Requirements

- C. **Plant Material.** Shrubs shall be at least two (2) feet tall at the time of planting. They must be planted two (2) rows deep and provide a screen within three (3) years of planting.

13.8.6 Landscape Standards for Nonresidential Development

- A. **Applicability.** The provisions of this Section apply to all street frontage of nonresidential and mixed-use development sites.
- B. **Disturbance.**
 - 1. 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.
- C. **Landscaping Requirements.**
 - 1. 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.

2. A minimum of 12% of the total buildable area in any parcel shall be devoted to landscaping.
3. A minimum of 50% of the landscaping area
4. **Plantings and Other Required Elements.** Where existing vegetation is insufficient, the following trees and shrubs shall be provided as indicated in Table 13.8.6.C, Nonresidential Landscaping Requirements.

Table 13.8.6.C – Nonresidential Landscaping Requirements	
Location	Number of Plants
Front Yard	1 per 40 linear feet of yard length
Side Yard	1 per 25 linear feet of yard length
Rear	1 per 25 linear feet of yard length

13.8.7 Parking Lot Landscaping

- A. **Applicability.** Parking lot landscaping is required on all on-site surface parking lots with more than 20 spaces created after the effective date of this UDC. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
- B. **Perimeter Landscaping.** All surface parking areas (of any size) abutting a public street (not including an alley) must be screened by a landscape strip as specified in Section 13.8.5, Landscape Strips. Perimeter screening that is not next to a public street must be a minimum of 5 feet in width with a single hedgerow.
- C. **Interior Landscaping.**
 1. A landscaped interior island must be provided every 12 parking spaces.
 2. An interior island must be a minimum of ten (10) feet in width and 300 square feet in area. Each island must include two (2) shade trees.
 3. All required shade trees must be chosen from the approved tree list.
 4. All required shade trees must be a minimum caliper of two (2) inches and be at least six (6) feet tall at the time of planting.
 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.

D. Tree Canopy.

1. In addition to the internal landscaping requirements, a minimum tree canopy cover shall be provided for paved parking areas exceeding 4,000 square feet in new or redeveloped sites.

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2. **Post-Construction Canopy.** Post-construction canopy shall be based on proposed canopy cover consisting of both preserved and newly planted trees. Polygon mapping shall be used to delineate canopy groupings. Canopy projections for new plantings shall be based on the species-specific canopy spread data provided in the Appendix.
3. **Minimum Required Canopy Cover.** At least 50% of paved parking lot area shall be shaded by tree canopy at maturity, as calculated under this section.
4. **Plan Requirements.** Landscape and site plans shall clearly identify all post-construction canopy areas and provide supporting calculations demonstrating compliance with the minimum canopy requirement.

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13.9 Timber Harvesting

- A. Timber harvesting may be permitted upon authorization by the Director.
- B. **Permits.** Permits authorizing tree harvesting shall be in accordance with the following standards:
 1. A 75 foot 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.
 2. Notwithstanding the other provisions of this section, no property owner shall be required to preserve an undisturbed buffer that covers more than 25% of the total land area of the property, excluding area inside the ~~100-year~~100-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 permit.
 3. The property shall be required to meet a tree density standard of 30 units per acre, not including the 75 foot buffer, upon completion of authorized land disturbing activities.
 4. The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.
 5. Land that has been designated silviculture may be developed after a period of 5 years from harvesting, provided that a development plan has been prepared and approved by the Director prior to any clearing, grading, or other land disturbance.

13.10 Sureties

- A. 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 in

accordance with Article 18, ~~Sureties and Guarantees~~Guarantees and Sureties, warranting the new trees, shrubs or landscape material for a period of no less than two (2) years.

- B. **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 this UDC, 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 accordance with Article 18, ~~Sureties and Guarantees~~Guarantees and Sureties shall be posted with the City.
- C. **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 Chapter 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 City.
 - 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 City.

13.11 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 (1) 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 ~~thirty (30)~~30 days from notification unless a performance bond is posted with the City.

13.12 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 Chapter.
- B. The City 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 Chapter.
- D. Replacement trees and landscaping shall be in accordance with the applicable provisions of this Chapter.

CHAPTER 14: SUBDIVISIONS

14.1 Subdivision Plat Process Applicability

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 Community Development Department 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 Community Development Director.
- C. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

14.2 Plat Procedures

- A. **Applicability.** This chapter is applicable to all subdivisions of land involving any:
 - 1. Street dedication;
 - 2. Public infrastructure;
 - 3. Utility extensions;
 - 4. Platted open space or common areas that are not part of an individually owned lot; or
 - 5. All other subdivisions not exempt pursuant to Section 14.6, Exemptions from Preliminary Plat Procedures.
- B. **Effect of Approval.** The preliminary plat does not constitute nor provide assurance of approval of the final plat or building or development permits but is to be used as the

development design for the subdivision and for the acquisition of a development permit as provided in this Code.

- C. **Improvements prior to Final Plat.** No final plat shall be approved unless and until the subdivider has installed all improvements required by this Code, or appropriate sureties have been secured.

14.3 Review and Approval Authority

- A. The Community Development Department, the Public Works Department, the City Engineer, and the Fire Marshal shall have the authority to review and approve a subdivision plat required by this chapter, consistent with these provisions.
- B. Neither the Director, the City Engineer, nor the Fire Marshal shall have the authority to waive any requirement of this Code in the review of a subdivision plat.
- C. **Revisions.** 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 as outlined below.

14.4 Pre-Application Meeting

- A. Prior to the preparation of the subdivision plat, the subdivider shall prepare sketch plans and general subdivision proposals. The subdivider or their agent shall then engage in a pre-application meeting with the director regarding the suitability of the plans.
- B. The purpose of a pre-application meeting is to acquaint the subdivider with plans and policies that might be significant to their proposed development and furnish City staff with preliminary information regarding said development.
- C. Upon receiving favorable consideration, the subdivider may then proceed to prepare the preliminary plat for submission to the Community Development Department.

14.5 Preliminary Plat Requirements

- A. **Application.** Following successful pre-application meeting, the subdivider shall cause to be prepared a preliminary plat, together with other supplementary material as deemed necessary by the Director.
- B. **Preliminary Plat Contents.**
 - 1. The preliminary plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat be drawn at a scale no smaller than ~~one hundred~~ (100)100 hundred feet to an inch and shall show all existing conditions required below and all proposals, including the following:
 - a. Any conditions of approval formally set upon the property by the Mayor and City Council;
 - b. Proposed name of subdivision;

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- c. Name and address of owner of record, and the subdivider (if not the owner);
 - d. Name, address and telephone number of the professional who prepared the plat;
 - e. Date of survey, date of plat drawing, north point and graphic scale;
 - f. Location (land district and land lot), and acreage;
 - g. Quantity of proposed parcels and typical lot sizes;
 - h. A vicinity map depicting 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;
 - i. Exact boundary lines of the assemblage, giving lengths, bearings, and present zoning designation(s);
 - j. Adjoining property owner names, subdivision names, and zoning;
 - k. Unit divisions or phase of development, if any, proposed by the subdivider;
 - l. Contour lines based on sea level datum and drawn at intervals not greater than two (2) feet. The source of the topographic contours shown shall be specified;
 - m. 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;
 - n. The 100-year floodplain, if any, must be delineated;
 - o. All required stream buffers and setbacks on the property;
 - p. Cultural features existing 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 significant information;
 - q. 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;
 - r. A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal;
 - s. The approximate location of proposed stormwater management facilities, including any Green Infrastructure, hereafter indicated as

"GI", or Low Impact Development, hereafter indicated as "LID", techniques;

- t. 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;
- u. Location and size of all proposed drainage structures, including catch basins, curbs, gutters, grates and headwall;
- v. Location of all proposed sanitary and storm sewer lines or improvements and any easements required with sufficient dimensions to location same on the ground;
- w. Location and description of all proposed monuments and pins;
- x. A written statement on the preliminary plat describing the intent of the plat or proposed development of the property, in no less than one (1) complete sentence.

14.6 Exemptions from Preliminary Plat Procedures

- A. The types of activities listed here shall be considered subdivisions but may be exempt from the preliminary plat requirements of this chapter, except as noted. Each such exempt subdivision shall be drawn in accordance with final plat standards and shall be submitted with the appropriate fees.
 - 1. Small subdivisions;
 - 2. Re-combinations; and
 - 3. Minor revised final plats.
- B. **Small Subdivisions Exemption.** The preceding provisions of this chapter 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 that:
 - 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.
- C. **Re-combination Exemption.** The preceding provisions of this chapter may be waived and a shortened procedure may be initiated in the case of a combination or recombination of two (2) or more lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this Code.
- D. **Minor Revised Final Plat Exemption.** The preceding provisions of this chapter may be waived and a shortened procedure initiated in the case when it becomes necessary to

revise an original recorded final plat due to some error, required adjustment, or desired adjustment, that is minor in scope and scale of change. This may include the adjustment of lot lines for single-family attached units after as-builts have taken.

- E. A subdivider intending to use any of these exemption methods shall first consult with the director or their designee, supplying sufficient information to assure that the specified conditions will be met.

14.7 Final Plat Requirements

- A. **Application.** Following completion of land disturbance activities, 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:
- B. 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.
- C. **Final Plat Contents.**
 - 1. The final plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat shall be labeled "Final Plat," be drawn at a scale no smaller than ~~one hundred (100)~~100 hundred feet to an inch, and shall contain the following information:
 - a. A written statement on the final plat describing the intent of the plat or proposed development of the property, in no less than one (1) complete sentence;
 - b. Name of subdivision;
 - c. Graphic scale, north arrow with reference of bearings to magnetic, true or grid north, and date of survey;
 - d. Location of tract (land lot and land district) and acreage;
 - e. All dimensions accurate to the nearest one-tenth of a foot and all angles accurate to the nearest minute;
 - f. 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 radius, length of arc, internal angles and tangent distance for the center line of curved streets;
 - g. Exact locations, right-of-way widths, and names of all streets and alleys within and immediately adjoining the plat along with street center lines;

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- h. Street intersection angles and street pavement widths; centerline profiles;
 - i. Minimum required building setback lines and any zoning buffers, with dimensions, or note indicating none required, as applicable;
 - j. Lots or sites numbered in numerical order and blocks lettered alphabetically with lots and sites numbered in numerical order;
 - k. Location, dimensions, and purpose of all depicted 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;
 - l. Location and size of all drainage structures, including catch basins, curbs, gutters, grates, and headwalls;
 - m. Extent of the 100-year floodplain and a floodplain chart showing the area within and outside the floodplain for each lot containing any portion of the 100-year floodplain. The origin of the floodplain data must be indicated;
 - n. All required stream buffers and setbacks on the property;
 - o. Location, material, and description of all monuments and pins, including street markers.
 - p. Notation that streams or wetlands lie or do not lie within 200 feet of the development, unit or phase. Delineate and label all applicable buffers per Chapter 15, Environmental Protection;
 - q. Certification that the applicant is the land owner and dedicates streets, rights-of-way and any sites for public use;
 - r. Certification by the appropriate authorities for roads, water, sewers, and health that the subdivider has complied with one (1) 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.
 - s. Protective covenants, if any, shall be shown on the plat. If covenants are separately recorded, a statement shall be provided on the final plat as follows: "This plat is subject to the covenants set forth in the

separate documents attached hereto dated _____, which hereby become a part of this plat, and which were recorded on _____;"

- t. A copy of the deeds for dedication of public areas to the appropriate public agency(s), if applicable;
- u. Zoning information including the current zoning district and all applicable zoning conditions, variances, and/or special use permits. The adopted ordinance, or final letter in the case of variances, shall be provided on the final plat;

v. As-built construction drawings prepared by a professional engineer or surveyor, registered in the State of Georgia;

v.

- w. Other data may be required by the 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.

D. **Review Process.** The application shall be approved by the Planning and Zoning Department, the Public Works Department, the City Engineer, the Fire Marshal, and the Planning Commission.

14.8 Final Plat Recording

It shall be the responsibility of the subdivider to send the approved final plat to the Clerk of the Superior Court of Henry County to be recorded.

14.9 Appeals

If a Preliminary or Final Plat is denied, the applicant may file an appeal with the County Board of Commissioners, within 30 days following a denial. Appeals shall be processed in accordance with [Section 13.11 Chapter 11, Variances and Appeals](#).

14.10 Expiration

- A. **Preliminary Plat Applications.** An application for a preliminary plat shall expire six (6) months after the issuance of the latest letter/comments of plat revisions. The application may not expire within six (6) months if the inactivity is a result of a pending review from an external agency outside the applicant's control.
- B. **Plats.** A plat remains valid for the duration of the project, subject to the following time restrictions:
 - 1. An approved preliminary plat shall expire two (2) years after the approval date unless the applicant has filed a complete application for a final plat.

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2. An approved Final Plat does not expire, provided it is recorded within six (6) months of approval.

14.11 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 plat. 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:
- B. A permanent conservation easement in favor of either:
 1. 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
 2. A governmental entity that will ensure perpetual management of the open space.
- C. A permanent restrictive covenant, recorded on the final plat in favor of the City of Stockbridge.
- D. An equivalent legal tool that provides permanent protection, if approved by the mayor and city council.
- E. 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.
- F. 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.

14.12 Requirements Regarding Stormwater Facilities

- A. The property upon which the stormwater facilities are located cannot be included in the description of any lot located in a residential subdivision.
- B. **Maintenance and Responsibility.**
 1. **Non-Residential Properties.**
 - a. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title of 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.

- b. In addition to maintaining the stormwater management function of the facility, the property owner shall be responsible for the ongoing beautification and appearance of all stormwater detention ponds, retention ponds, and related facilities. Such maintenance shall include, at a minimum, routine mowing, removal of litter, debris, and dead vegetation, control of weeds and invasive plant species, maintenance or replacement of required landscaping, and upkeep of any decorative fencing, screening, irrigation systems, or other aesthetic improvements installed as part of the approved site plan. Stormwater facilities shall be maintained in a neat, safe, and attractive condition so as not to create a nuisance or detract from adjacent properties or public rights-of-way.

2. Residential Properties.

- a. Detention ponds that are located on residential properties may transfer 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.
3. 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.
 4. All final plats that are submitted to the City for review shall include an unencumbered nonexclusive easement from an existing public roadway to any stormwater detention structure or pond. The access easement shall be a minimum of ~~twenty (20)~~20 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.

14.13 Street Name and Sign Requirements

A. Street Names.

1. All proposed street names shall be approved by the Department 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 Department for review and shall be approved by City Council.

B. Street Signs.

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1. The location of the street signs shall be determined during the review of the preliminary plat.

CHAPTER 15: ENVIRONMENTAL PROTECTION

15.1 Stream Buffer Protection

15.1.1 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 Section 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.

15.1.2 Applicability

This Section shall apply to all land development activity on property containing a Stream Buffer Protection Area. 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.

15.1.3 Grandfathered Provisions. This Section shall not apply to the following activities:

- A. 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 Section;
- B. 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;
- C. 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 Section;
- D. 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 Section.

15.1.4 Exemptions. The following specific activities are exempt from this Section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- A. Activities for the purpose of building one (1) of the following:
 - 1. A Stream crossing by a driveway, transportation route or utility line;
 - 2. Public water supply intake or public wastewater outfall structures;
 - 3. Intrusions necessary to provide access to a property;
 - 4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - 5. Unpaved foot trails and paths; or
 - 6. 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.
- B. 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.
- C. Land development activities within a right-of-way existing at the time the ordinance codified in this Section takes effect or approved under the terms of this Section.

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- D. Within an easement of any utility existing at the time the ordinance codified in this Section takes effect or approved under the terms of this Section, 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.
 - E. 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 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 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.
 - F. 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.
 - G. Any land development activity within a Stream Buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Chapter 110, Variances and Appeals, of this UDC.

15.1.5 Stream Buffer and Setback Requirements

- A. 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)~~ 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. If defined banks are not identifiable, the protected buffer will be measured from other identifiable features such as the "point of wrested vegetation" or the "ordinary high water mark".
 - 2. An additional setback shall be maintained for ~~twenty five (25)~~ 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.

15.1.6 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 Section, 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.

15.1.7 Minor Land Disturbing Activities. The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters. These minor land disturbing activities shall be exempt from the buffer requirements of this Article, as well:

- A. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms or open picnic shelters, provided that:
 - 1. The floor or decking is built in a pervious manner to allow for the infiltration of stormwater;
 - 2. No more than 100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 - 3. No grading, cutting, filling or similar land-disturbing activities occurring as a part of the site preparation, construction or subsequent development;
 - 4. The structure is built on posts, concrete blocks or similar supports;
 - 5. Permanent protective vegetative cover remains, or protective measures (for example, mulch or gravel) are installed within the footprint of the elevated structure to prevent post-construction soil erosion;
 - 6. A natural canopy is left in sufficient quantity to keep shade on the streambed; and
 - 7. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.
- B. A pervious ground-level walkway approach to a dock or similar structure, provided that:
 - 1. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 - 2. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;

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3. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development; and
 4. All ground preparation and walkway material placement is completed with the use of hand-held equipment.
- C. Restoration of buffer area after the removal of an existing structure, provided that the buffer area must be replanted with native vegetation.
- D. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or County waters, such as sewer lines, water lines, dams or gas lines. Total disturbance must be less than 100 square feet.
- E. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:
1. The placement of the riprap does not result in soil disturbance outside the placement area; and
 2. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.

15.1.7 Land Disturbing Activities not Considered Minor. The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters. Such activities shall comply with the requirements of this Article:

- A. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;
1. Paving with poured or prefab concrete or asphalt;
 2. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;
 3. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;
 4. Construction of a ground-level patio within the buffer;
 5. Construction of a swimming pool within the buffer;
 6. Construction of a decorative or structural retaining wall within the buffer;

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7. Construction of a new seawall with land-disturbing activities occurring within the buffer; and
 8. Backfilling any new seawall construction within the buffer.

- B. **Prohibited Activity.** Any land development activity within a buffer established under this Section or any impervious cover within a setback established under this Section is prohibited unless a variance is granted pursuant to [Chapter 110, Variances and Appeals](#), of this UDC.

15.2 Soil Erosion, Sedimentation, and Pollution Control

15.2.1 Title and Findings

- A. **Title.** This Section will be known as "The City of Stockbridge Soil Erosion, Sedimentation and Pollution Control Ordinance."
- B. **Findings.** The City of Stockbridge finds that soil erosion and sediment deposition onto land and into water within the watersheds of the City are a result of failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement, and construction activities and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is therefore declared to be the policy of the City and the intent of this Section to strengthen and extend the present erosion and sediment control activities and programs of the City and to provide for the establishment and implementation of a County-wide comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of the City of Stockbridge, GA.

15.2.2 Exemptions. This Section 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:
 1. Construction of any such residence shall conform to the minimum requirements as set forth in [Section 15.2.3.C](#) of this Section.

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2. 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.
- a. 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.
 - b. **Primary Trout Waters.** For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted.
 - c. **Secondary Trout Waters.** For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet.
 - d. 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 25 horizontal feet, and no variance to a smaller buffer shall be granted.
3. The minimum requirements of Section 15.2.3.C of this Section and the buffer zones provided by this paragraph shall be enforced by the City;
- 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. 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 200 feet of the bank of any State Waters, provided that:

1. 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 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
 2. That nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by this section.
 3. Commercial projects of 5,000 square feet or greater of disturbed area are not exempt from any provision of this Section; 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.

15.2.3 Minimum Requirements

- A. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Section and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Section 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 Section 15.2.3.B, Minimum Requirements/BMPs and Section 15.2.3.C of this Section. 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 Section and the NPDES general permit.

B. **Minimum Requirements/BMPs**

1. Best management practices as set forth in this Section 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 Section 15.2.3.B.2 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 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 reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
5. The City or district office may set more stringent buffer requirements than stated in elsewhere in this ordinance, in light of subsection (c) of O.C.G.A. § 12-7-6.

C. Additional Requirements. 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;

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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 this Section.
 16. Except as provided in this Section, there is established a 25 foot 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 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 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - i. Stream crossings for water lines; or
 - ii. Stream crossings for sewer lines; and

17. There is established a 50 foot 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 25 gallons per minute or less shall have a 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 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- i. Stream crossings for water lines; or
- ii. Stream crossings for sewer lines; and

18. There is established a 25 foot 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:

- a. 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;
- b. 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.

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- c. 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.
- i. 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
 - ii. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of no more than 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.
 - iii. 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 25 foot buffer would consume at least 18% 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.

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- iv. Activities where the area within the buffer is not more than 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 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 14 days prior to the commencement of land-disturbing activities.

19. 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.

20. 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 Section or the terms of the permit.

15.2.4 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 Section, 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. **Permit.** 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. **Application.** 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 as necessary. Said plans shall include, as a minimum, the data specified in Section 15.2.4.C, Plan Requirements. 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 Section 15.2.4.B and Section 15.2.4.C of this Section will be met. Applications for a permit will not be accepted unless accompanied by three 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. **Fee.** 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 City shall review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City shall approve or disapprove a plan within 35 days of receipt. Failure of the City to act within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by Section 15.2.3.C have been obtained, all fees have been paid, and bonding, if required as per Section 15.2.4.B, has been obtained.
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 City or district office 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, \$3,000 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 Section 15.2.3.B and Section 15.2.3.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 Section. 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 the 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 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 Section, any variances required by Section 15.2.3.C.16, 17, and 18 are obtained, bonding requirements, if necessary, as per Section 15.2.4.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 Section, 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 Section. A holder of a permit shall notify any successor in title to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The City or district office 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).

15.2.5 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 Section.
- 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.

15.2.5 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
- B. The City shall regulate primary, secondary, and tertiary permittees as such terms are defined in the State general permit.

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1. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.
 2. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.
 3. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.

15.2.6 Effectivity, Validity and Liability

- A. **Effectivity.** This Section shall become effective with the adoption of the ordinance.
- B. **Validity.** If any section, paragraph, clause, phrase, or provision of this Section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Section.
- C. **Liability.**
 1. Neither the approval of a plan under the provisions of this Section, nor the compliance with provisions of this Section 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 Section or the terms of the permit.
 3. No provision of this Section 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.

15.3 Illicit Discharge and Illegal Connection.

15.3.1 General Provisions

- A. **Purpose and Intent.** The purpose of this Section 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 Section 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 Section are to:
 1. Regulate the contribution of pollutants to the City's separate storm sewer system by any person;

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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 Section.
- B. **Applicability.** The provisions of this Section 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 Section 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 Section 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 Section 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 Section. 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.

15.3.2 Prohibitions

- A. **Prohibition of Illicit Discharges.** No person shall throw, drain or otherwise discharge, cause or allow others under their control to throw, drain or otherwise discharge into the City's separate storm sewer system any pollutants or waters containing any pollutants other than stormwater.
- B. **Exemptions.** The following discharges are exempt from the prohibition provision above:
1. 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 wetland flows, swimming pools (if dechlorinated—typically less than one (1) PPM chlorine), 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;

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3. Dye testing is an allowable discharge, but requires a verbal notification to the City 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.

C. 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 Section if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.
3. Improper connections in violation of this Section 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 City 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 City.

15.3.3 Industrial, Construction 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 City prior to allowing discharges to the City's separate storm sewer system.

15.3.4 Reporting Illicit Discharge to Issuing Authority/City of Stockbridge

- 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. Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 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 Section.

15.3.5 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.

15.3.6 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.

15.3.7 Effectivity, Validity and Liability

- A. **Effectivity.** This Section shall become effective with the adoption of the ordinance.
- B. **Validity.** If any section, paragraph, clause, phrase, or provision of this Section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Section.

15.4 Floodplain Management/Flood Damage Prevention

15.4.1 General

- A. **In General.**
 - 1. 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.
 - 2. 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.
 - 3. Effective floodplain management and flood hazard protection activities can:
 - a. Protect human life and health;
 - b. Minimize damage to private property;
 - c. 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
 - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
 - 4. Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) 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 Section 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.
- B. **Purpose.** The purpose of this Section 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:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
2. 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;
3. Control filling, grading, dredging and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

C. **Applicability.** This Section shall be applicable to all areas of special flood hazard within the jurisdiction of the City of Stockbridge, Georgia. 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 Section, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The flood insurance study (FIS) for the County, dated June 15, 2022, with accompanying maps and other supporting data and any revision thereto.
3. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the ~~100-year~~100-year floodplain and flood-prone areas include:
 - a. 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
 - b. 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 Mayor and City Council.

4. 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:

- a. 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
- b. 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 City.
- c. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the department designated by the City.

F. **Compatibility with Other Regulations.** This Section is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Section are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other chapter, 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.

G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Section 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 manmade or natural causes. This Section 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 Section 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 Section or any administrative decision lawfully made thereunder.

15.4.2 Administration and Enforcement.

A. **Designation of Administrator.**

1. **Appointed.** The City Engineer or their designee is hereby appointed to administer and implement the provisions of this Section.
2. **Duties and Responsibilities.** Duties of the City Engineer shall include, but not be limited to:
 - a. Review all land development applications and permits to assure that the requirements of this Section 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 Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;

- c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided;
- 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 flood proofed;
- f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure;
- g. Notify affected adjacent communities and the State Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- h. Make the necessary interpretation 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). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation, as provided in this Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
- i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA;
- j. Review variance applications and make recommendations to the appointed board.

3. Records.

- a. All records pertaining to the provisions of this Section are maintained in the office of the County Clerk and are open for public inspection.
- b. Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, 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 adopted City Building Code.

15.4.3 Permit Requirements

- A. 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 Section prior to commencing the proposed activity.
- B. Unless specifically excluded by this Section, any landowner or developer desiring a permit for a development activity shall submit to the City a permit application on a form provided by the City.
- C. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this Section.

~~15.4.4 Floodplain Management Plan Requirements.~~ 15.4.4 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.~~ 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 or smaller intervals along the foundation footprint, or one-foot 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 structure;
 - 2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

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3. Certification that any proposed nonresidential floodproofed structure meets the criteria in Section 15.4.7.B.215.4.8.B, Nonresidential Buildings;
 4. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 15.4.7.A.515.4.7.A.5, Elevated Buildings; 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 Section.
 - G. 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.

15.4.5 Construction Stage Submittal Requirements

- A. 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.
- B. 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 Section shall be caused to issue a stop-work order for the project.

15.4.6 Development Standards.

A. Definition of Floodplain Boundaries.

1. "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the department designated by the City. If future-conditions elevation data is not available from the department designated by the City, then it shall be determined by a registered professional engineer using a method approved by FEMA and the department designated by the City.

- B. Definition of Floodway Boundaries.** The width of a floodway shall be determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 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.

C. General Standards.

1. No development shall be allowed within the future-conditions floodplain that could result in any of the following:
 - a. Raising the base flood elevation or future-conditions flood elevation equal to or more than one-hundredth of one (0.01) foot;
 - b. Reducing the base flood or future-conditions flood storage capacity;
 - c. 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
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
2. Any development within the future-conditions floodplain allowed under this Section shall also meet the following conditions:
 - a. 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;

- b. Cut areas shall be stabilized and graded to a slope of no less than two percent (2%);
- c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- d. Verification of no-rise conditions (one-hundredth of one (0.01) foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 15.4.6.D, Engineering Study Requirements for Floodplain Encroachments;
- e. 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
- f. 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 City 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").

- D. **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. 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 City prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

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1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
 2. 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;
 3. Floodplain storage calculations based on cross-sections (at least one (1) every ~~one hundred (100)~~100 hundred feet) 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
 4. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.
- E. **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:
1. **Encroachments Prohibited.** Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway.
 2. **Permitted Encroachments.** 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. A registered professional engineer must provide supporting technical data and certification thereof; and
 - b. 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 City 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 City.
- F. **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 City.

15.4.7 Flood Damage Reduction

- A. **General Standards.** In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:
1. 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 Section 15.4.6, Development Standards have been met.
 2. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 3. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
 4. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
 5. **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.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. 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;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;
 - b. So as not to violate the "lowest floor" criteria of this Section, 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

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- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
6. 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 (3) feet above the base flood elevation or one (1) foot 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.
 7. 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.
 8. 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.
 9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 10. 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.
 11. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.
 12. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Section, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
 13. 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.
 14. 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 Section.
 15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;

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- b. 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
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.

15.4.8 Building Standards for Structures and Buildings within the Future-Conditions Floodplain

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 Section 15.4.6, Development Standards have been met.
 - a. If all of the requirements 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.
 - b. 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 15.4.6, Development Standards.
2. **Substantial Improvements.** Substantial improvement of any principal structure or manufactured home 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 a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.4.6, Development Standards.

B. Nonresidential Buildings.

1. **New Construction.** New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Section 15.4.6, Development Standards have been met.
 - a. If all of the requirements of Section 15.4.6, Development Standards 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.
 - b. 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 subsection Section 15.4.7.A, Flood Damage Reduction.

- c. New construction that has met all of the requirements of Section 15.4.6, Development Standards may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot 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 City 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.

- a. 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.
- b. 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 15.4.7.A, Flood Damage Reduction.
- c. 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 (1) foot 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 Section 15.4.6, Development Standards 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 15.4.7.A, Flood Damage Reduction, and be anchored to prevent flotation, collapse or lateral movement of the structure.

D. Recreational Vehicles. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 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 set forth in Section 15.4.8.A.2, including the anchoring and elevation requirements.

E. Manufactured Homes.

1. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all of the requirements of Section 15.4.6, Development Standards have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one 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 the standards of Section 15.4.7.A, Flood Damage Reduction.
2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision are elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot 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 36 inches 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 the standards of Section 15.4.7.A.7.

15.4.9 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 (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 15.4.6, Development Standards.

- 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 (1) foot 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 15.4.6, Development Standards. Non-residential buildings may be floodproofed in lieu of elevation.

15.4.10 Building Standards for Residential Single-Lot Development on Streams without Established Base Flood Elevations and/or Floodway (A zones)

- A. 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 City 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 Section. If data are not available from any of these sources, the following provisions shall apply:
1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater; and
 2. 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 (3) feet 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 15.4.7.A, Flood Damage Reduction.

15.4.11 Building Standards for Areas of Shallow Flooding (AO zones)

- A. Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas, the following provisions apply:
1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot 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 (3) feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for floodprone enclosures in accordance with Section 15.4.7.A, Flood Damage Reduction.

2. 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 (1) foot 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 City using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

15.4.12 Standards for Subdivision of Land and Other Development

- 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 15.4.4, Flood Management Plan Requirements.
- 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.

15.4.13 Standards for Utilities

- A. All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:
 1. Infiltration of floodwaters into the systems; and
 2. Discharges from the systems into floodwaters.

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- B. On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

15.5 Wetland Protection.

15.5.1 General

- A. **Purpose.** The purpose of the regulations in this section is to promote wetland protection, while accounting for varying ecological, economic development, recreational, and aesthetic values. The regulations set forth in this section are intended to limit activities that may damage wetlands, and to require that such activities be located on upland sites to the greatest degree practicable as described in the Comprehensive Plan. The regulations set forth in this section are further intended to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain protection, erosion control, groundwater recharge, aesthetic nature, and provision of wildlife habitat.
- B. **Applicability.** Regulations for the protection of wetlands, set forth in this section, apply to all lands within wetlands located within the jurisdiction of the City of Stockbridge.

15.5.2 National Wetland Inventory (NWI) Maps

The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. These maps should be used as a guide only. Field verification is required to determine the existence or absence of any jurisdictional waters.

15.5.3 Determination of Wetlands Boundary

- A. **Generally.**
 - 1. The NWI maps are general reference documents, and wetland boundaries indicated on the maps are approximations. The purpose of the NWI maps is to alert developers and landowners if the property proposed for development is within or adjacent to a wetland.
 - 2. The NWI maps do not represent the boundaries of jurisdictional wetlands within the City of Stockbridge and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.
- B. Where it is determined that wetlands are located on property proposed for development, a determination of the location and extent of the wetlands must be made by the U.S. Army Corps of Engineers or a qualified consultant. A local permit for development within wetlands will not be issued until a determination has been made by the U.S. Army Corps of Engineers as to whether wetlands exist on the site.
- C. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must first obtain a wetlands alteration section 404 permit from the U.S. Army Corps of Engineers.

15.5.4 Permissible Activities within Wetlands

- A. Lawful activities set forth in this section will be allowed as of right within a wetland. Constructing, grading, filling, draining, or dredging may be permissible only as provided. For waters under state or federal jurisdiction, additional prohibitions may apply.
 - 1. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require a permit as required by section 404 of the Clean Water Act.
 - 2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
 - 3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in section 404 of the Clean Water Act.
 - 4. The cultivation of agricultural crops. Agricultural activities are subject to best management practices approved by the Georgia Department of Agriculture.
 - 5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural best management practices are followed.
 - 6. Education, scientific research, and nature trails.

15.5.5 Activities Requiring a Permit

- A. It shall be unlawful for any person to conduct any of the following activities in a wetland or associated buffer without first obtaining a permit.
 - 1. Deposit fill material in a wetland or associated buffer.
 - 2. Dredge or remove soil or minerals from a wetland or associated buffer.
 - 3. Construct, build, develop, or erect any structure or development in a wetland or associated buffer.
 - 4. Drain surface water from a wetland.
 - 5. Cut or remove wetland or associated buffer vegetation.

15.5.6 Prohibited Activities within Wetlands

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary waste landfills.
- C. Construction of buildings or other structures
- D. Other uses prohibited in the underlying zoning district.

15.5.7 Temporary Activities within Wetlands

- A. **Maintenance or Repair.**

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1. Maintenance and repair is limited to lawfully located roads, structures, and facilities used in the service to the public to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, or other services;
 2. The roads, structures, or facilities are not materially changed or enlarged;
 3. Written notice prior to the commencement of work has been given to Henry County; and
 4. The work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment shall be minimized.
- B. Temporary water level stabilization measures associated with ongoing silvicultural operations.
- C. Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use.
- D. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

15.5.8 Permit Requirements

An application for a development project proposing to conduct activity within a wetland or associated buffer will be required to include ~~a-the~~ the following items:

- A. A site plan drawn to scale.
- B. Soil drainage and stormwater management plans.
- C. The sites and specifications for all proposed drainage, filling, grading, dredging, vegetation removal, and other activities which may affect a wetland or associated buffer. Such specifications shall include the size of the total wetland area on the site, the size of the wetland proposed for impact or elimination, and cubic yards of fill.
- D. A description of any existing or proposed waste disposal and water supply including septic tanks and soil absorption fields. Such description shall include distances to wetlands, associated buffers and other water bodies.

15.5.9 Buffers Required

- A. **Buffer Area.** Wetland buffers are to be calculated by measuring horizontally outward from and perpendicular to the edge of the wetland, as defined herein. They must extend the entire length of the wetland delineation within the property. If a wetland falls into more than one of the categories below, the more restrictive buffer width shall control.

B. **Applicability.** A minimum buffer of 25 feet shall be provided along the perimeter of all wetlands.

C. **Buffer Standards.**

1. The buffer shall be a minimum of 25 feet in width.
2. All existing natural vegetation must be retained and maintained within the buffer.
3. The number and types of plants required within the buffer is as set forth in Table 13.6.5, Recommended Tree List.

15.5.10 Compensatory Mitigation

- A. **When Required.** Compensatory mitigation shall not be considered a substitute for making all practical attempts to avoid wetland impacts. Compensatory mitigation is required for all permitted impacts to wetlands. If impacts to wetlands will require compensatory mitigation pursuant to a Clean Water Act § 404 permit, the City may give credit for § 404 mitigation activities.
- B. **Criteria for Approval.** Compensatory mitigation plans shall be approved only if they meet the following criteria:
1. The mitigation plan shall provide for the in-kind replacement of the predominant functional values of the eliminated or impacted wetland. Mitigated wetlands shall be replaced at the following minimum ratios, in acres: 2:1 for restoration; 4:1 for creation; and 6:1 for enhancement. A larger replacement ratio may be required if the eliminated or impacted wetland is deemed to have exceptional value.
 2. The mitigation plan shall provide for no net loss of wetland resources.
 3. Mitigation may be achieved by purchasing credits at a mitigation bank in the primary or secondary service area of the permitted wetland impact, by purchasing credits from the Georgia In-Lieu Fee Program, or by performing on-site mitigation. All mitigation must be in-kind.
 4. The mitigation plan shall comply with all applicable federal, state, and local laws and regulations.
 5. Any mitigation activity shall be completed before initiation of permitted activities, including activities permitted by a permit, unless a phased concurrent schedule can be agreed upon between the Director and the applicant.

15.6 Watershed Protection.

15.6.1 General

- A. **Purpose.** The purpose of this section is to identify and protect water supply watersheds within the City of Stockbridge. This Section sets forth development standards intended

to maintain the quality and quantity of the water supply within the City and adjacent jurisdictions.

- B. **Applicability.** The provisions of this Section apply to all lands located within Water Supply Watersheds, as identified by the Georgia Environmental Protection Division (EPD) and the Metropolitan North Georgia Water Planning District (MNGWPD), as amended.
- C. **Relationship to Other Regulations.** The standards of this Section are intended to supplement all other applicable provisions of this UDC. Where conflicts occur, the more restrictive standard shall apply.

15.6.2 Establishment of Watershed Protection Areas

- A. Watershed Protection Areas shall be identified on the City of Stockbridge Official Zoning Map. Such mapping may include areas associated with reservoirs, public water supply intakes, and tributary watersheds regulated by the Georgia Environmental Protection Division (EPD).
- B. Where the boundaries of a Watershed Protection Area are uncertain, the Director may require additional information prepared by a licensed professional, including topographic mapping, watershed delineations, or other documentation demonstrating the location of watershed boundaries.

15.6.3 Water Quality Critical Areas

- A. A water quality critical area shall be established within each watershed protection area and shall include the following:
 - 1. All land adjacent to the normal pool elevation of a reservoir, extending landward to the watershed ridge line or 500 feet from the normal pool elevation, whichever distance is less.
 - 2. All land adjacent to each perennial stream flowing into the reservoir, extending three (3) miles upstream from the reservoir's normal pool elevation and laterally to the watershed ridge line or 500 feet from each side of the stream, whichever distance is less.
- B. The normal pool elevation of all existing reservoirs shall be maintained on file with the Department.

15.6.4 Limited Development Area

- A. A limited development area shall be established for the remaining part of the watershed protection area that is located outside of the water quality critical area, and which extends to the ridge line of each watershed protection area.
- B. If a perennial stream abuts or crosses any property within the limited development area, the use regulations of Section 15.6.5, Uses in Watershed Protection Areas shall apply.

15.6.5 Uses in Watershed Protection Areas

- A. Table 15.6.5, Uses in Watershed Protection Areas identifies permissible and prohibited uses within the water quality critical area and limited development area of any watershed protection area.

Table 15.6.5 - Uses in Watershed Protection Areas		
Land Use	Water Quality Critical Area	Limited Development Area
Residential	Permitted;	Permitted

	Multi-family dwellings shall be prohibited	
Commercial	Prohibited	Permitted
Industrial	Prohibited	Permitted
Institutional or Civic	Prohibited	Permitted
Public Utility	Prohibited	Permitted
Agricultural and/or Natural Resources	Permitted; Confined animal feed operations (CAFOs) shall be prohibited; Silviculture activity shall be prohibited within 25 feet of a water body	Permitted; Silviculture activity shall be prohibited within 25 feet of a water body

B. Uses within watershed protection areas shall also comply with the following provisions:

1. Permitted uses established by [Table 15.6.5, Uses in Watershed Protection Areas](#), shall be subject to the dimensional standards of [Section 15.6.6, Dimensional Standards for Uses in Watershed Protection Areas](#).
2. Where applicable, septic tanks may be permitted subject to approval by the Henry County Health Department and applicable City departments.
3. Where applicable, roads, sidewalks, and multi-use or greenway trails may be permitted, subject to approval by the Director.
4. Where applicable, new facilities located within the watershed protection area that handle hazardous materials of a type and amounts requiring a permit from the Georgia DNR, or that require disposal by a hazardous materials handler permitted or licensed by the Georgia DNR at a hazardous materials facility, must perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collections systems must be shown on the development plan in detail, in compliance with this UDC.

15.6.6 Dimensional Standards for Specific Uses in Watershed Protection Areas

Proposed development shall comply with both the standards for watershed protection areas in [Table 15.6.6, Dimensional Standards within Watershed Protection Areas](#), and the standards of the underlying zoning district. Where standards conflict, the stricter standard shall apply.

Table 15.6.6: Dimensional Standards within Watershed Protection Areas						
Land Use		Setback (from water body)	Min. Lots Size (septic)	Min. Lot Size (sewer)	Lot Min. Width	Max. Impervious Coverage
Residential	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	150 ft.	20%

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Industrial	Limited Development Area	150 ft.	1 acre	10,890 sq. ft.	100 ft.	25%
	Limited Development Area (with perennial streams)	200 ft.	1.25 acres	1 acre	150 ft.	25%
	Water Quality Critical Area	N/A	N/A	N/A	N/A	N/A
	Limited Development Area	150 ft.	4 acres	2 acres	100 ft.	25%
	Limited Development Area (with perennial streams)	200 ft.	5 acres	2 acres	150 ft.	25%
Agricultural and/or Natural Resources	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	N/A	20%
	Limited Development Area	150 ft.	1 acre	0.5 acres	N/A	25%
	Limited Development Area (with perennial streams)	200 ft.	1 acre	0.5 acres	N/A	25%
All other uses	Water Quality Critical Area	N/A	N/A	N/A	N/A	N/A
	Limited Development Area	150 ft.	1.5 acres	1 acre	N/A	25%
	Limited Development Area (with perennial streams)	200 ft.	2 acres	1.5 acres	N/A	25%

15.6.7 Buffers in Watershed Protection Areas

A. Buffers shall be required in watershed protection areas as follows:

1. **Buffers within Water Quality Critical Areas.** A natural or enhanced vegetative buffer shall be maintained for at least 150 feet from the normal pool level of a reservoir and at least 100 feet on both sides of any other surface water as measured from the banks.
2. **Surface Water Buffers within Limited Development Areas.** A natural or enhanced vegetative buffer shall be maintained for at least 100 feet on both sides of any surface water as measured from the banks.

15.6.8 Septic Tanks and Drain Fields within Watershed Protection Areas

- A. Septic tanks and septic tank drain fields shall be prohibited in the setback areas established in [Table 15.6.6, Dimensional Standards within Watershed Protection Areas](#) for buildings and impervious surfaces in watershed protection areas.
- B. Septic tanks and septic tank drain fields for residential development shall be setback at least 100 feet from any surface water.

15.6.9 Alternative Compliance for Impervious Surface Limitations

- A. The percentage of impervious surface is determined by the sum of all land areas to be covered by impervious structures during the development of the property including, but not limited to, roads, streets, driveways, houses, buildings, and parking areas, divided by the total site area.
- B. A development may participate in a regional wet detention pond program which has been established by one or more public or private entities subject to the following conditions:
 - 1. Runoff from the development drains into a regional stormwater management control facility approved by the City.
 - 2. An agreement between the City and the landowner has been executed which guarantees participation in the regional stormwater arrangement of the property and the detention pond.
 - 3. Construction of a regional detention pond meets or exceeds the design requirements of the stormwater management provisions set forth in [Chapter 17, Stormwater Management](#).
- C. A development may provide an alternative method for stormwater control other than a wet detention pond provided it complies with the stormwater management requirements set forth in [Chapter 17, Stormwater Management](#), and design criteria for pollutant removal equivalent to those associated with wet detention ponds included in the Georgia Stormwater Management Manual, as amended.

15.7 Groundwater Recharge Protection

15.7.1 General

- A. **Purpose.** The provisions of this Section are intended to protect groundwater as follows:
 - 1. Restricting land uses that generate, use, or store dangerous pollutants in recharge areas;
 - 2. Limiting density of development; and
 - 3. Ensuring that any development that occurs within the recharge area will have no adverse effect on groundwater quality.
- B. **Applicability.** The provisions of this Section apply to all lands mapped as significant recharge areas by the Georgia Department of Natural Resources (DNR) in Hydrologic Atlas 18, 1989 edition, as amended, or as identified in the Comprehensive Plan.

15.7.2 Determination of Pollution Susceptibility

Limitations on land use activities shall be based on the degree to which the aquifer is susceptible, or at risk, to pollution from spills, discharges, leaks, impoundments, application of chemicals, injections, and other human activities. The Georgia DNR has prepared maps of pollution susceptibility, which categorize land in areas of high, medium, and low potential for groundwater pollution. These maps will be the basis for determining the locations for limited land use activities, as set forth in Section 15.7.3, Limitations and Requirements for Specific Land Use Activities.

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15.7.3 Limitations and Requirements for Specific Land Use Activities. In addition to any use standards of this UDC, the following development standards shall apply within groundwater recharge protection areas:

- A. New above ground chemical or petroleum storage tanks with a minimum volume of 660 gallons shall provide secondary containment for:
 1. 110% of the volume or such tanks; or
 2. 110% of the volume of the largest tanks in a cluster of tanks.
- B. New agricultural waste impoundment sites shall be lined with compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec, or other criteria as established by the U.S. Soil Conservation Service, when located in the following areas:
 1. A high pollution susceptibility area.
 2. Medium pollution susceptibility areas and the site exceeds 15 acre-feet.
 3. Low pollution susceptibility areas and the site exceeds 50 acre-feet.
- C. New wastewater treatment basins shall be designed with an impermeable liner approved by the Georgia Environmental Protection Division.
- D. Wastewater spray irrigation systems or land spreading applications shall comply with the Georgia Department of Natural Resources criteria for slow rate land treatment. Such uses shall also provide proof of receipt of a land application system permit from the Georgia Environmental Protection Division.
- E. New facilities for the handling of hazardous materials of types and amounts regulated by the Georgia Department of Natural Resources shall perform all operations in impermeable surfaces with spill and leak collections systems meeting the requirements of said agency.
- F. New single-family dwellings served by septic tank or drain field systems shall have a minimum lot size meeting the larger of:
 1. The minimum lot size limitations shown on Table MT-1 of the Georgia Department of Public Health "Manual for On-Site Sewage Management Systems"; or

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2. 150% of the lot size on Table MT-1, when located within a high pollution susceptibility area; or
 3. 125% of the lot size on Table MT-1, when located within a medium pollution susceptibility area; or
 4. 110% of the lot size on Table MT-1, when located within a low pollution susceptibility area.

15.8 Recycling of Water at Commercial Carwash Facilities

15.8.1 Purpose.

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.

15.8.2 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 50% of water utilized will be recycled.

15.8.3 Water Waste

- A. **Prohibited.** 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 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.

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- B. **Permitted.** 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.

15.9 Outdoor Watering

15.9.1 Restriction on Outdoor Watering of Landscape

- A. 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:
1. 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;

2. Capture and reuse of cooling system condensate or storm water in compliance with any applicable City ordinances and State guidelines;
3. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
4. 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;
5. Watering personal food gardens;
6. 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;
7. Drip irrigation or irrigation using soaker hoses;
8. Hand watering with a hose with automatic cutoff or handheld container;
9. 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;
10. Watering horticultural crops held for sale, resale, or installation;
11. Watering athletic fields, golf courses, or public turf grass recreational areas;
12. Installation, maintenance, or calibration of irrigation systems; or
13. Hydroseeding.

CHAPTER 16: INFRASTRUCTURE IMPROVEMENTS

16.1 Multimodal Traffic Impact Studies (TIS)

16.1.1 Purpose and Intent

- A. Understanding the demands placed on the City's transportation network by development is an important dimension of assessing the overall impacts of development. All developments generate 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 several 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.

16.1.2 Objectives.

- A. 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 assess the impacts that a proposed development may have and assist the City government in making decisions regarding development proposals.
 - 6. Help to 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.

16.1.2 In General

- A. A 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.
- B. 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).
- C. 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 the Public Works Department to evaluate the development proposal and, when appropriate, recommend conditions of approval.

- D. The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with the Public Works Department 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.

16.1.3 Applicability

- A. **Thresholds of Applicability.** A traffic impact study shall be required for all developments proposing to meet one or more of the following thresholds:

1. The development is expected to generate more than 100 new vehicle trips during an A.M. or P.M. peak hour; or
2. The development is expected to generate more than 750 new vehicle trips in an average day; or
3. The development involves the construction of 50,000 square feet or greater of nonresidential building space, in single or multiple phases; or
4. The development would contain multifamily dwellings; or
5. The development would contain more than ~~fifty (50)~~100 total dwelling units; or
6. The development is an industrial, logistics, warehouse, or freight related use expected to generate 30 or more truck trips per day; or
7. The development generates more than 40% of its total traffic in the form of truck traffic using passenger car equivalents (PCE).

- B. **Determination of Applicability.** At the time a development proposal is filed, or during any pre-application conference 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. Traffic impact studies shall be required for submittal during the land disturbance, clearing and grading, building permit, or development permit, and shall not be required during the zoning process.

- C. **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) that 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 Section; or
3. A traffic impact study will not be required by the City for those developments with frontage and access along a State route.

16.1.4 Analysis

- A. The source for trip generation rates for the purposes of this chapter 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 chapter 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 Public Works Department.
- B. **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 director shall determine:
 1. 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;
 2. Other trip generations studies of similar development are available; or
 3. Professionally acceptable trip generation rates for one (1) or more similar land uses can be used in making the determination of applicability.

16.1.5 Study Scope Meeting.

Once it is determined that a traffic impact study is required, a scope meeting must be held with the developer or their consultant and the appropriate representatives of the City. It will be the responsibility of the developer or their 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.

16.1.6 Required Contents

- A. 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 chapter, the traffic impact study area shall be determined according to trip

generation rates as shown in Table 16.1.6.A, Study Area Size Requirements. In the event there is a difference because of applying peak and total trips, the more restrictive requirement (larger study area) shall apply.

Table 16.1.6.A– 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. **Trip Generation Data.**
 - a. **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 chapter, using professionally accepted assumptions about the percent of "pass-by" trips approved by the Director.
 - b. **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 may 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 Section, 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 percent (24%)~~24% of total trips generated.
 - c. **Phased Development.** If phased development is proposed, the study shall include projections for the year that each phase of the development is planned to be complete.
 - d. **Pending/Approved Developments.** The traffic impact study shall also include trip generation data for any pending and approved developments that would affect the study area. The Public Works Department 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.

- e. **Truck Trips.** Truck trips shall be calculated and shown separately. Peak hour distribution of inbound and outbound trucks shall be identified separate from passenger cars. For light industrial, industrial parks and warehouse uses, trip rates contained in the latest edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE), unless otherwise approved by the director, shall be used. All truck trips shall be converted into passenger car equivalents (PCE) for intersection capacity analysis.
9. **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.
 10. **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.
 11. **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.
 12. **Trip Distribution and Assignment.** Trip distribution for the proposed development. For developments expected to generate more than ~~thirty (30)~~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. **Crash Analysis.** Analysis of crash data in accordance with the Highway Design Manual and an identification and description of specific mitigation measures.
19. **Multimodal Analysis.** Analysis of multimodal site access, safety analysis, and pedestrian considerations and an identification and description of specific mitigation measures.
 - a. **On-Site Circulation.** The traffic impact study shall address whether on-site vehicular and pedestrian circulation and parking layouts are safe and efficient.
 - b. **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 non-residential 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.
 - c. **Mitigation Measures and Costs.**
 - i. 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.

- ii. If roadway improvements are needed, the study shall show a drawing for all recommended lane configurations.
 - iii. 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 detailing the signal design and phasing plans.
 - iv. The estimated cost associated with implementing all such mitigation measures shall be provided in the traffic impact study.
 - v. The traffic impact study may consider any City/County/State-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.
- d. **Alternative Transportation.** Alternative transportation (sidewalk, bicycle, transit) needed because of the study, shall be identified. Should the proposed development require multimodal improvements, mitigations factors must be included and will be included as a condition of Final Plat or Certificate of Occupancy approval.
- e. **References.** A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
- f. **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.

16.1.7 Additional Technical Specifications.

The City 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.

16.1.8 Cost 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.

16.1.9 Submittal and Review

- A. **Submittal.** The applicant for the proposed development or the qualified professional shall submit a copy of the traffic impact study and technical appendix to the Public Works Department.
- B. **Review.** Within ten (10) working days of receipt of a traffic impact study, the Public Works Department shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent, and fully explained. The Public Works Department shall return the traffic impact study to the development applicant for correction.
- C. **Recommendations for Mitigation of Impacts.** Within 15 working days of receipt of a completed traffic impact study, the Public Works Department must complete the review of the study and submit to the Community Development Director, or their designee, all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the development proposal that will mitigate traffic impacts of the proposed development.
- D. **Determination of Project and System Improvements.**
 - 1. The Public Works Department will determine which mitigation measures constitute "project" improvements and which mitigation measures constitute "system" improvements within the context of the Georgia Development Impact Fee Act of 1990.
 - 2. If a particular improvement is called for in the traffic impact study or recommended by the Public Works Departments, and the Department is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristic of both a project improvement and a system improvement, the Public Works Departments, with the assistance of the Community Development Director, will determine the proportion of the cost of such improvement(s) that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.
- E. **Conditions of Development Approval.** Upon the determination of project improvements needed to mitigate the traffic impacts of the development proposal as provided in this UDC, the Public Works Department may recommend the project improvements be completed by the developer as conditions of approval of the development proposal.

- F. **System Improvements.** The Public Works Department shall include system improvement recommendations in the conditions for approval of the development plan.

16.2 Minimum Design Standards

16.2.1 In General

- A. 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.
- B. 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.
- C. 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.

16.2.2 New Subdivisions

In order that the various purposes of this Chapter may be accomplished, all subdivisions hereafter established shall be developed and improved in accordance with the minimum design standards set forth in this Chapter. Final Plat approval shall not be given to any subdivision until all appropriate design standards have been met and until all appropriate required improvements have either been installed or an appropriate bond or certified check has been posted to secure the installation of such improvements. No subdivision shall be accepted for review under these regulations which do not conform with this UDC.

16.2.3 Recorded but Unopened

Parcels recorded prior to the effective date of these regulations which abut an unopened street shall not be developed until such street or portion thereof has been opened and constructed according to this UDC.

16.2.4 Re-Subdivision of Lots within a Recorded Single-Family Subdivision

- A. Lots within a recorded subdivision for single-family detached units designed to be developed as a unified whole shall not be further subdivided if such re-subdivision results in any of the following:
 - 1. The re-subdivision creates lots of such size or shape which would alter or change the character of the recorded single-family subdivision; and/or

2. The re-subdivision adversely impacts the visual quality or consistency of the established development pattern.

16.2.5 Water Main Design and Construction Standards

All developments shall comply with the minimum standards as regulated by the Public Works Department, as applicable and amended.

16.3 Streets

16.3.1 General

- A. No person shall do any paving work, or any other related or similar roadwork, on, or adjacent to, a City street without a permit.
- B. All transportation system design, street design, and construction for non-local 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. 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.
- E. After preparation of the subgrade, the roadbed shall have base material and paving applied according to City specifications.
- F. Design speeds, typical Sections of roadway, maximum superelevation rates, and other roadway design items are to be set by City of Stockbridge on an individual basis.
- G. Alleys may be provided at the rear of lots.

H. Roadways may be created or established by:

1. Dedication;
2. Prescription;
3. Express grant of an easement;
4. Deed;
5. Special statutory proceeding; or
6. Condemnation.

16.3.2 Private Streets and Drives

A. Private Drives.

1. **Definition.** Private drives are defined as sub-standard private accessways providing access to more than one parcel where one or more of those parcels lacks direct frontage on a public or private street. Private drives are located within the boundaries of the parcels they serve and are not subdivided or dedicated as right-of-way. Private Drives are subject to the following classifications and regulations outlined herein.
2. **Standards for Private Drives.** All private drives shall meet the following standards:
 - a. Shall be located within a recorded private access easement and shall comply with applicable property owners' association and maintenance requirements.
 - b. No new platted lots of record may be created or subdivided using an existing or future private drive for access.
 - c. Private drives are only permitted to serve existing platted lots of record or lots deeded prior to the original adoption of zoning regulations in Madison County.
 - d. Private drives shall serve no more than one (1) lot.
 - e. Where a deficient private drive exists and a lawful, existing platted lot of record is proposed to take new access from it, the entire length of the private drive shall be brought into compliance with Section 16.3.43, Requirements for New and Redevelopment Streets.

B. Private Streets.

1. **Definition.** Private streets are defined as privately owned and maintained accessways which serve as the primary means of vehicular access for multiple lots or units within a development. Unlike private drives, private streets are constructed within a platted and recorded access easement or parcel but are not dedicated to or maintained by a public agency. Private streets are intended to function similarly to public streets in terms of connectivity, design, and

emergency access, and are subject to the design, construction, and maintenance requirements outlined herein.

2. **Standards for Private Streets.** All private streets shall meet the following standards:

- a. Shall provide a private access easement and comply with property owners' association requirements and maintenance requirements.
- b. Shall meet construction standards for public streets provided herein.
- c. Shall require approval from the Mayor and City Council.
- d. Where a deficient private street exists and a lawful, existing platted lot of record is proposed to take new access from it, the entire length of the private drive shall be brought into compliance with the [Section 16.3.4XX, Street Design Standards Requirements for New and Redeveloped Streets](#).
- e. Upon compliance with all of the provisions of the UDC, building permits may be issued for building on private street upon the applicant signing a "statement of understanding" that said roadway is a private street 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 Street." At such times, the City shall accept said road as a City street provided that the property owners along said road convey the minimum width required by the City.

C. **General Standards for Private Streets and Drives.**

1. **Private Access Easements.** All private streets or drives shall be located within a recorded private access easement that meets the following standards:

- a. Shall cover the length of private streets or drives that connect directly to federal, state, or locally maintained road or private street.
- b. Shall have a minimum width of 30 feet.

2. **Property Owners Association Requirements.** Any private drive serving multiple properties shall be maintained by a mandatory property owners association, which shall include:

- a. Mandatory membership for all property owners of lots served by the private drive or street.
- b. Responsibility for road maintenance, insurance, and tax obligations.
- c. Equitable cost-sharing provisions for all lot owners.
- d. Authority to place liens on the real property of members who fail to pay dues or assessments.

3. **Maintenance.**

- a. The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements, or any other appurtenances within general purpose public access and utility easements established for private streets or drives.
- b. Permanent repairs to the streets or drives shall be made by the homeowners' associations or other entity having maintenance responsibility for the development. Driveways and sidewalks will be repaved, sodded or landscape areas will be graded, smoothed, reseeded or resodded, where appropriate.
- c. A private maintenance covenant recorded with the Clerk of the Superior Court shall be required for any private street or drive and other improvements within general purpose public access and utility easements established for private streets or drives. The covenant shall address:
 - i. Allocation of expenses;
 - ii. Remedies for noncompliance;
 - iii. Use and access rights; and
 - iv. Other terms as necessary to ensure long-term maintenance.

4. Final Plat Requirements.

- a. Recordation of a Final Plat is required to establish all private streets or drives. Additional plat process may be required, based on the applicability found in [Chapter 14, Subdivisions and Platting ProceduresSubdivisions.](#)
- b. No final plat involving a private street or drive shall be approved for recording unless it contains the following:
 - i. Deed book and page reference to the recorded maintenance covenant and access easement(s).
 - ii. Maintenance Statement: "The City of Stockbridge has no responsibility to build, improve, maintain, or otherwise service the private streets/drives, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
 - iii. Grant of Easement: "The general purpose public access and utility easement(s) shown on this plat for private street/drive(s) are hereby granted. This grant shall be construed to authorize access for the City and utility providers for the installation and maintenance of infrastructure, including electric, gas, water, sewer, telecommunications, and fiber optics, with rights of ingress, egress, and vegetation maintenance as necessary."

- iv. Compliance with all bonds and phasing of improvements shall be required for private streets as if it was to be publicly dedicated, unless a specific provision is determined not to be applicable by the Community Development Director.

16.3.3 Street Construction Methods

- A. Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to the latest specifications of the Georgia Department of Transportation.
- B. **Grading, Clearing, and Grubbing.**
 - 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; and
 - c. All required silt and erosion control measures have been installed and approved.
 - 2. 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.
 - 3. No rubbish or other material resulting from the clearing and grubbing of the roadway shall be buried at the site.
 - 4. 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.
- C. **Excavation.**
 - 1. 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 the Public Works Department.
 - 2. 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.
- D. **Subgrade Preparation for all Streets.** Subgrade preparation shall be in accordance with Georgia Department of Transportation specifications.
- E. **Removal of Unsuitable Material.** If any sections of the subgrade are composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized.

- F. **Compaction.** Fill shall be placed in uniform, horizontal layers not more than six (6) inches thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to ~~95 percent (95%)~~95% of maximum dry density except for the top 12 inches which shall be compacted to ~~98 percent (98%)~~98% of maximum dry density.
- G. **Brought to Line and Grade.** After the earthwork has been completed, all storm drainage, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.
- H. **Roadway.**
1. The entire roadbed shall be scarified and compacted with a sheep's foot or other approved rollers.
 2. 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.
 3. Slopes of cuts and fills shall also be carefully shaped to the true section specified.
 4. 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 12 inches of the finished roadbed.
 5. All ditches and drains shall be opened to effectively drain the roadway.
- I. **Utility Trenches to be Compacted.** All utility crossings within the right-of-way must be installed prior to subgrade approval. All manhole covers must be flush with top of intermediate course if there is a delay in applying the final surface course for new roadway pavement. Manhole covers will be required to be adjusted flush when final surface course is installed. Utility trenches cut in the subgrade shall be backfilled as specified herein. Compaction tests at the rate of 1 per 150 feet of trench shall be provided to verify compaction.
- J. **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 approved by the Public Works Department.
 3. Water lines shall be installed after installation of the curb and gutter.

- K. **Roll Testing Required.** The subgrade must pass roll testing prior to placement of the base material. The roll test of the subgrade and base material shall be observed and approved by the Public Works Department prior to paving.
- L. **Temporary Traffic Surface.** When the street is to be used for construction traffic before the paving work is completed, a layer of stone (except crusher run) shall be laid as a traffic surface. This material shall not be used as a part of the base material. It may be worked into the subgrade, or it shall be removed before the base course is set up for paving.
- M. **Provisions to drain low points.** Provisions shall be made to drain low points in the road construction when the final paving is delayed. A break in the berm section is required when the curbing has not been constructed. Drainage under the curb to side slopes after installation is required, using minimum four-inch diameter pipe sections. Vegetated or stabilized swales should be considered for managing road construction runoff.

16.3.4 Requirements for New and Redeveloped Streets

A. General Standards.

1. All improvements shall be constructed and dedicated by the developer.
2. Proposed street layouts shall interconnect within a development and with adjoining development as often as possible.
3. Half streets shall be prohibited except where essential to the reasonable development of the subdivision and approved by the Public Works Department.
4. Any subdivision or development with access onto a highway, arterial, or collector street shall provide lanes for deceleration, ingress, and egress, as approved by GDOT on state roads and approved by the city on non-state roads.
5. Any subdivision or development which access onto an arterial or collector road shall be required to design and construct a left turn lane, if GDOT criteria are met. The developer will be responsible for the acquisition of right-of-way and relocation of utilities.
6. Minimum radius for cul-de-sacs shall be 40 feet from the back of curb, except for commercial or industrial areas, where the minimum radius shall be 55 feet from the back of curb.
7. ~~The following street specifications~~ Table 16.3.4, Street Specifications for Non-State Maintained Roads ~~is~~ are provided for non-state maintained roads within the limits of the City.

Table 16.3.4 – Street Specifications for Non-State Maintained Roads			
Street Type	Minimum Right-of-Way/Easement width	Minimum Pavement widths ¹ with curb and gutter	Minimum Pavement widths ¹ without curb and gutter
Major Arterial	100 feet	52-53 feet	48 feet

Minor Arterial	80 feet	28-29 feet	24 feet
Collector	80 feet	28-29 feet	24 feet
Local (Residential)	50 feet	28 feet	Prohibited
Local (Non-residential)	60 feet	28 feet (commercial) 30 feet (industrial)	Prohibited
Cul-de-Sac (Residential)	80 feet	80 feet	Prohibited
Cul-de-Sac (Non-residential)	110 feet	110 feet	Prohibited
Alley	N/A	20 feet	20 feet
1 = The City may require additional right-of-way and pavement width in specific situations. Roadways with medians and/or additional language will require extra right-of-way and pavement widths.			

- B. **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, as approved by the Fire Marshal. Said areas shall be marked "Fire Lane-No Parking."

16.3.5 Street Construction Standards

A. Minimum Standards.

1. Road design and construction must comply with the minimum standards as shown in Table 16.3.5, Roadway Construction Standards.

Table 16.3.5 – Roadway Construction Standards					
Street Type	Surface Topping Plant Mix	Tack Coat	Asphalt Binder Course	Prime Application	Base Construction
Local (up to 40 residential lots)	2 inches of 12.5mm superpave ¹	0.04-0.06 GAL/square yard	2 inches of 19mm superpave ¹	0.20-0.25 GAL/square yard	6 inches GAB
Local (41 to 100 residential lots)	1.25 inches of 9.5mm superpave ¹				
Local (over 101 residential lots)	1.5 inches of 12.5mm superpave ¹				

Local (Commercial)			3 inches of 19mm superpave ¹		8 inches GAB
Local (Industrial)			4 inches of 25mm superpave ¹		10 inches GAB
Collector					
Arterial					
1 = Superpave mix with hydrated lime (Level 1)					

B. 2:1 maximum slope allowed (2:1 or flatter) for fill areas and back slopes.

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 percent (100%) 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 (0.5) inch.
4. The acceptance crown tolerance shall be one-half (½) inch.

D. Roadway Graded Aggregate Base Requirements.

1. The Department shall be notified ~~twenty-four (24)~~24 hours prior to the placing of any base material.
2. The Department 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 Department 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 to determine the thickness of the constructed base course.
 - a. Tests shall be taken ~~at (400)~~400 feet intervals alternating between each lane and center of roadway.

- b. Measurements shall be taken per GDOT standards,
 - c. Areas found to be deficient in thickness shall be corrected as directed by the Department. 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. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the Public Works Department.

E. Paving.

- 1. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the Department.
- 2. All asphaltic concrete material and construction shall be in accordance with GDOT standards for "hot mix asphaltic concrete construction".
- 3. The Department 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 Department, the extent of deficiencies will impair the performance of the pavement, the Department 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 Department 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 Department may require a minimum one (1) inch overlay of the streets.
- 6. 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-inch asphalt pavement course.
 - a. The minimum core diameter shall be such that compaction of the sample can be determined in the lab and subsequent data supplied to the Department.
 - b. The compaction of the course shall be required to meet Georgia Department of Transportation (GDOT) specifications per the asphalt mix placed.
 - c. If a two (2) course asphalt section is required, the cores for the binder layer shall be cut, reviewed, and approved by the Department 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 (1.5) inch and one and one-quarter (1.25) inch in thickness, shall be made to determine the thickness only.

- d. All cores shall be made on 400 foot 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:
 - i. When the number of cores deficient in thickness within the allowable one-quarter (0.25) inch tolerance, or deficient in compaction exceeds 35% of the total cores taken on one (1) street; or
 - ii. When two (2) or more consecutive tests show a deficiency of more than one-quarter (0.25) 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 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 (1.25) inch in compacted thickness. The type of material used in the overlay shall be specified by the Department.

F. **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 80% stand of grass shall be obtained. All swales and ditches excavated below required depth shall be backfilled and compacted to 95% of maximum dry density.

G. **Horizontal Alignments.**

- 1. The radius of horizontal curves on local residential streets within a subdivision shall be no less than ~~two hundred (200)~~ 200 hundred feet.
- 2. The radius of horizontal curves on non-residential streets shall be no less than ~~three hundred (300)~~ 300 hundred feet.
- 3. The horizontal radius for collector and arterial streets or any streets with a design speed of more than ~~twenty-five (25)~~ 25 miles per hour shall comply with

the latest version of the American Association of State Highway and Transportation Officials (AASHTO) standards.

4. The minimum tangent lengths on non-residential streets is 100 feet.
5. The minimum tangent lengths on roadways with superelevation are 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.

16.3.6 Street Grades and Design Speeds

- A. **Local and Collector Streets.** Maximum grade for all local and collector streets shall be 12%.
- B. **Arterial Streets.** Maximum grade for all arterials shall be five percent (5%).
- C. All changes in grade must be connected by vertical curves which adhere to the design criteria as set forth by the current edition of the American Association of State Highway and Transportation Officials (AASHTO) Guide.

16.3.7 Curbs and Gutters

- A. **Curb and Gutter Required.** All new streets shall be provided with curb and gutter. All gutters shall drain smoothly with no areas of ponding.
- B. **Gutter.** Gutters shall be a minimum of 18".
- C. **Curbing.** Curbing shall meet the following requirements:
 1. **Profile.** All curbs shall be L-back curbs.
 2. **Curb Section.**
 - a. **Residential Streets.** Typical minimum section shall be 28" x 6"
 - b. **Major Thoroughfares.** Typical minimum section shall be 30" x 6" for travel lanes along roadways with a posted speed limit of 40 miles per hour or 45 miles per hour.
 3. **Material.** All curbs shall be constructed of Portland cement concrete.
 4. Curbs shall be designed to provide handicapped access at street intersections, wherever sidewalks are constructed.
- D. **Construction Methods.** Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. The grade of the new gutter shall be placed one inch (1") above the pavement grade in areas where drainage will not be adversely affected.
 1. Line and grade shall be field staked for grades less than two percent (2%) and grades over 12%, and within 100 feet in both directions from all low points.

2. One-half inch (0.5") expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points, and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
3. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
4. Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

16.3.7 Street Intersections

A. Angle of Intersection.

1. Intersections shall be generally be at right angles.
2. Shall not be at an angle of less than 80 degrees or more than 100 degrees on residential streets, unless approved by the City.
3. Shall not be at an angle of less than 90 degrees or more than 100 degrees for nonresidential streets, unless approved by the City.

B. Curb Radius.

1. The minimum curb radius at street intersections shall not be less than 25 feet in residential subdivisions.
2. The minimum curb radius of street intersections for nonresidential streets shall be 50 feet.
3. For streets/roadways to have a dual lane exit, the exit curb radius shall not be less than 75 feet.
4. Where a City collector or an arterial roadway intersects with another City collector or arterial roadway the minimum radii at the intersection shall be 50 feet.

C. Street Intersection Standards.

1. 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 the Georgia Accessibility Code. The curb shall be depressed to accommodate future installations at the same time as the curb.
2. Interior subdivision street intersections shall have a minimum centerline offset of at least ~~one hundred twenty five (125)~~125 feet when not aligned directly across from one another.

D. Visibility at Intersections.

1. **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 (3.5) feet located 14 feet from edge of travel lane or from the edge of the

deceleration lane and an object height of three and one-half (3.5) feet located in the center of each respective lane. However, street signs, streetlights, mailboxes, or similar shall be permitted within the sight line triangles.

2. **Intersection Sight Distance.**

- a. Curb cuts shall be placed to provide for the minimum intersection sight distance based on the intersecting road's posted speed limit as shown in Table 16.3.7.D.2.A Intersection Sight Distance.

Table 16.3.7.D.2.A – Intersection Sight Distance	
Speed (MPH)	Intersection Sight Distance
25	280
30	335
35	390
40	445
45	500
50	555
55	610

Source: 2018 AASHTO Green Book

- b. The intersection sight distance is measured using a driver-eye height of three and one-half (3.5) feet and an object height of three and one-half (3.5) feet with the driver eye being located 14 feet beyond the edge of the travel lane or from the edge of the deceleration lane and an object height of three and one-half (3.5) feet located in the center of each respective oncoming lane.
- c. Intersection sight distance shown in Table 16.3.7.D.2.A, Intersection Sight Distance is for a stopped passenger car to turn left onto a two-lane highway with no median and grades three (3) percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated per AASHTO standards, latest edition.

3. **Stopping Sight Distance.**

- a. The minimum centerline stopping sight distance shall be designed relative to the design speed of the street as shown in Table 16.3.7.D.3.B, Stopping Sight Distance.

Table 16.3.7.D.3.B – Stopping Sight Distance

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Speed (MPH)	Centerline Stopping Sight Distance	Minimum crest curve "k" value	Minimum sag curve "k" value
25	155	12	26
30	200	19	37
35	250	29	49
40	305	44	64
45	360	61	79
50	425	84	96
55	495	114	115

Source: 2018 ASHTO Green Book

- b. The centerline stopping sight distance shall be measured above the centerline using a driver eye height of three and one-half (3.5) feet and an object height of six (6) inches.
 - c. 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.
- E. **Maximum Grade.** Street intersections should be designed with a flat grade wherever possible, but in no case should the grade exceed 2 percent (2%) in normal situations (or 4 percent (4%) in topographical hardship situations on local streets).
- F. **Islands.** Islands in street intersections shall conform to the design requirements of the standard drawings. In no case shall anything in an island extend more than three feet above the street grade within the right-of-way, except traffic regulatory devices and other infrastructure erected or approved by the City. No island shall be approved which contains less than 100 square feet.

16.3.8 Traffic Control Devices

- A. **Traffic Control Signs.** The installation of street signs, traffic control signs, and devices such as striping and signalization, shall be coordinated with the Department, and provided through payment of fees to the appropriate agency.
- B. **Street Name Signs.**
 - 1. The director shall determine the need and location of street signs within a subdivision.

2. The standard steel street posts or wooden four-inch by four-inch posts with horizontal reflectorized street name plates with four-inch letters shall be furnished and installed by the City.
- C. **Traffic Signals and Signs.** All traffic signals and signs shall conform to the Manual on Uniform Traffic Control Devices (no decorative traffic control devices will be allowed).

16.3.9 Traffic Calming Devices

- A. Traffic Calming Devices shall be compatible with standards outlined in the Georgia Department of Transportation and shall be recognized by the Institute of Transportation Engineers (ITE).
- B. Private streets shall be designed in accordance with the above so as to encourage and maintain maximum operating speeds of no more than 25 mph. The maximum length of roadway section between speed control points shall be 500 feet.
- C. A traffic-calming plan is subject to review and approval by the Public Works Department based, in part, on a warrant analysis based in accordance with the generally accepted standards of the Institute of Transportation Engineers (ITE).

16.3.10 Transitional Requirements

All established streets shall comply with the following general provisions:

A. Permanent dead-end streets.

1. 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.
2. Dead-end streets, designed to be such permanently, shall be provided at the closed end with a paved turnaround having an outside diameter of not less than 80 feet, and a right-of-way diameter of not less than 110 feet.
3. Dead-end streets, designed to be such permanently, that exceed more than 800 feet in length may be required to have a cul-de-sac for emergency vehicles, as approved by the Fire Marshal.

B. Temporary dead-end streets.

1. **Stub Street.** Stub streets, which are intended to provide access for future development within a tract of land or adjacent lands, shall be required to have a temporary turnaround area having a diameter of not less than 80 feet, consisting of six (6) inches of graded aggregate base.
2. Temporary dead-end streets which extend for a distance greater than 150 feet shall be provided with a temporary turnaround having a diameter of 80 feet. Said temporary turnaround shall be so constructed as to ensure a surface resistant to erosion and so drained as to prevent damage to abutting properties. Temporary dead-end streets of 150 feet or less shall be provided with an earth

barrier, fence, or similar physical barricade at the dead end. Provisions shall be made for the future extension of the streets and reversion of the excess right-of-way to the adjoining properties.

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

C. Additional paved surface width.

1. Any proposed development that includes a platted street containing a driving surface width of less than that required or deficient based on construction, material, or facility standards (e.g.: a lack of sidewalks) by this UDC shall provide for the improvement of said street so that the minimum standards required by this Article are improved by the developer along the full length of the subject property frontage. If the proposed subdivision abuts only one side of said street, then a minimum of half of the required extra surface shall be provided by the developer.

16.4 Drainage Standards for Streets

16.4.1 General

- A. 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.
 1. Stormwater shall be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel.
 2. 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 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 the GSMM standards.
- D. Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping), shall be designed for the ~~25-year~~25-year storm.
- E. Road culverts, which carry live streams, shall be RCP and off-site drainage shall be designed for the ~~100-year~~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 90 degree angle with the roadway centerline. Where a slight skew is necessary, the pipe shall be placed within an 80 to 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.
- H. 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.

16.4.2 Minimum Design Standards

- A. All of the materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyance facility construction shall conform to GDOT standards.
- B. 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).
- C. For roads constructed with public funds, either wholly or in part, or roads classified as major thoroughfares, materials which meet the GDOT design standards shall be used unless an alternative is specifically approved by the City.
- D. Only reinforced concrete pipe (RCP) shall be used for all dams nine (9) feet or more in height with an impounding capacity of 20 acre-feet or more unless the Georgia Safe Dams Program requires another material.
- E. Reinforced concrete pipe (RCP) shall be used under non-local roads when the ADT is greater than 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 15,000 vpd.
- F. The Department may approve an alternative pipe material with the recommendation of an engineer registered in the State of Georgia.

16.4.3 Pipe and Pipe Coating Requirements

A. Pipe Standards.

1. Reinforced Concrete Pipe (RCP).

- a. Reinforced concrete pipe shall be in no less than eight (8) foot joint lengths.
- b. All joints shall be bell and spigot type, with a rubber gasket conforming to ASTM C-443.
- c. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76.
- d. 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.

- a. Pipe coating shall comply with AASHTO M-274.
- b. Pipe fabrication shall comply with AASHTO M-36.
- c. Pipe material and fabrication shall comply with AASHTO M-196.

3. Smooth Interior Corrugated Polyethylene Pipe.

- a. 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.
 - b. This pipe shall conform to the requirements of AASHTO M-294, Type S.
 - c. 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.
 - d. Installation shall be in accordance with ASTM Recommended Practice D2321, AASHTO Section 30, or as specified by the City.
 - e. 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
4. The Department 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.
5. 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.
6. 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
7. Table 16.4.3, Pipe Installation Standards indicate which pipe is permitted within the City based on installation type.

Table 16.4.3 – Pipe Installation Standards

Pipe Type

Installation Type		RCP	Aluminized Type 2 Steel	Polymer Precoat Steel	Aluminum Alloy	Corrugated Polyethylene	Smooth-Lined High Density Polyethylene Type "S"
	Longitudinal	P	P	P	P	--	P
	Cross Drains >15,000 ADT ¹	P	--	--	--	--	--
	Cross Drains <15,000 ADT ¹	P	--	--	--	--	--
	Cross Drains <15,000 (local roads) ¹	P	--	P	P	--	--
	Cross Drains<15,00 0 (local roads) ²	--	--	P	P	--	P
	Lateral Systems	P	P	P	P	--	P
	Slope Drain	--	P	P	P	--	P
	Perforated Underdrain	--	P	P	P	P	P
	Dams	P	--	--	--	--	--
	Perennial Streams	P	--	--	--	--	P
"P" = Permitted "--" = Not Permitted 1 = Cross drain less than 10% slope 2 = Cross drain over 10% slope							

8. Minimum Standards

- a. The minimum allowable design velocity for all pipe types, except for Corrugated Polyethylene, is 2.5 fps.
- b. The maximum allowable design velocity for all pipe types is 15 fps, except for Aluminized Type 2 Steel which is 5 fps. Corrugated Polyethylene has no maximum design velocity.

- c. Aluminized Type 2 Steel requires a minimum soil PH/resistivity of 6/1500 ohm/cm.
 - d. Polymer Precoat Steel requires a minimum of soil PH/resistivity of 5/1500 ohm/cm.
- B. **Structural Plate Drainage Structures.** 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.

16.4.4 Pipe Installation

A. Installation Standards.

1. 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 GDOT specifications.
2. 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 percent (5%) deflection.
3. 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.

- B. **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 three-quarters (0.75) inch). Geotextiles or geogrids may also be required by the City in problem areas.

C. Backfilling.

1. 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 12 inches above the pipe crown.
2. 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 (0.25) of the pipe diameter.

3. Foundation backfill material shall be used for RCP above one-quarter (0.25) of the pipe diameter (if graded aggregate base is not used above the one-quarter (0.25) of the pipe diameter) as per Type I or Type II GDOT standards.
4. These materials shall be placed in layers of no more than six (6) inches loose.
5. 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 95% maximum density, tested using the AASHTO Method T-99.
 - b. **In Other Areas.** Backfill in all other areas shall be compacted to 90% 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.

16.4.5 End Finish

- A. 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 35 miles per hour and over.
- B. 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.
- C. 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.

16.4.6 Junction Boxes and Catch Basins

Junction boxes and catch basins shall have metal manhole frames and lids for access.

16.4.7 Other Structures.

Natural bottom arches and box culverts may be used in accordance with GDOT standards. Bottomless culverts shall require that a scour analysis be done by a registered professional engineer to ensure the soundness of the proposed structure.

16.5 Bicycle Facilities Construction Standards

A. On-Street Bicycle Facilities.

1. Conventional painted bike lanes are required on both sides of local streets with posted speed limits of 35 miles per hour or less, subject to review and approval by the Public Works Department. They shall be a minimum five (5) foot wide and have painted markings indicating the right-of-way width aside for dedicated bicyclist use.
2. Painted sharrow markings are required on both sides of local streets with posted speed limits of 25 miles per hour or less, subject to review and approval by the Public Works Department.
3. All bicycle facilities shall comply with the latest published standards in the AASHTO Guide for Development of Bicycle Facilities, as amended.

B. Off-Street Bicycle Facilities.

1. Multi-use sidepaths are required on both sides of collector and arterial streets, subject to review and approval by the Public Works Department.

C. **Multi-Use Sidepaths.** Multi-use sidepaths shall be a minimum width of ten (10) foot clear zone. A planted landscape zone of a minimum of six (6) feet wide from the back of curb shall separate the multi-use sidepath from the vehicle travel lane. Where feasible, the multi-use sidepath shall not be built in a straight line. [See Figure 16.5.C – Multi-Use Sidepath Cross Section.](#)

2.1. The Community Director may reduce the sidepath to eight (8) feet, if the applicant demonstrates that there are topographic extremes, environmental restrictions (e.g., stream buffers, wetlands), or severe utility conflicts.

2. All bicycle facilities shall comply with the latest published standards in the AASHTO Guide for Development of Bicycle Facilities, as amended.

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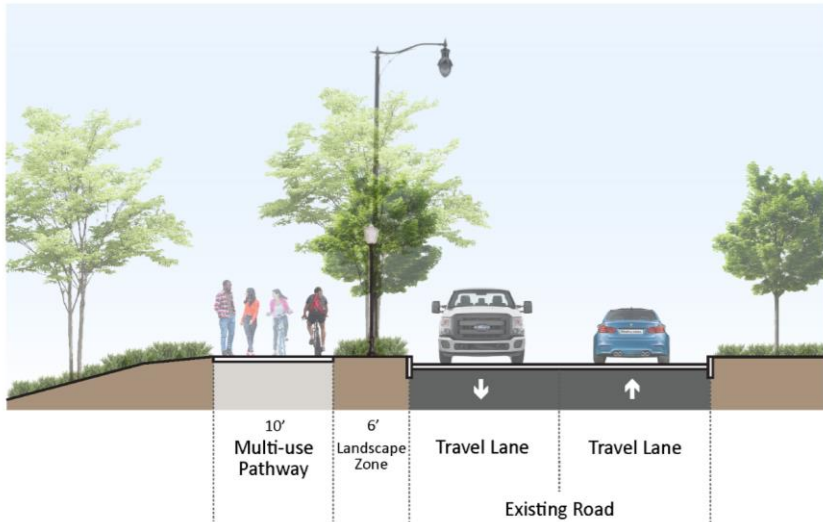


Figure 16.5.C – Multi-Use Sidepath Cross Section

16.6 Sidewalk Construction Standards

A. General.

1. Sidewalks shall form a logical, safe and convenient system for pedestrian or bike access to all dwelling units and other buildings, properties, and facilities.
2. Sidewalks shall be so located and safeguarded as to minimize contacts with automotive traffic.
3. Sidewalks that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.
4. Minimum standards required by this Section are improved by the developer along the full length of the subject property frontage for existing streets and along the full extent for any new streets created.
5. During a transportation improvement project, sidewalks must be installed or brought into compliance with these standards.
6. 12 months from the completion of at least 90% 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 via a lien placed on the adjacent property upon which the sidewalk fronts.

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7. After the maintenance period has expired, any broken curbing and sidewalk will be repaired by the builder before a Certificate of Occupancy/Completion is issued.

B. **Sidewalk Construction Standards.** When required by this UDC, sidewalks and curb ramps shall be constructed in all new development or redevelopment along all abutting or internal streets, existing or new, private or public.

1. **Sidewalk Installation and Timing.**

- a. Required sidewalks shall be installed prior to the issuance of a Certificate of Occupancy/Completion.
- b. 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 maintenance period.

2. **Minimum Width.**

- a. Sidewalks shall have a minimum width of five (5) feet clear zone along all roads within residential subdivisions and in residentially zoned or used areas. A planted landscape zone of a minimum of two (2) feet wide from the back of curb shall separate the sidewalk from the vehicle travel lane. [*See Figure 16.6.B.2.a – Sidewalk Cross Section 1.*](#)
- b. Sidewalks shall have a minimum width of eight (8) feet clear zone in all non-residential, mixed-use development areas, and along the frontage of the road a residential subdivision entrance is located on. A planted landscape zone of a minimum of five (5) feet wide from the back of curb shall separate the sidewalk from the vehicle travel lane. [*See Figure 16.6.B.2.b – Sidewalk Cross Section 2.*](#)

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Figure 16.6.B.2.a – Sidewalk Cross Section 1

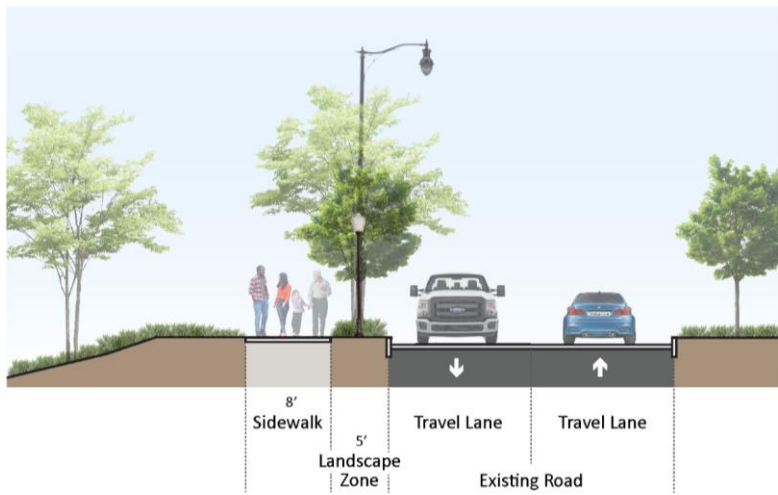


Figure 16.6.B.2.b – Sidewalk Cross Section 2

- c. Multi-use sidepaths are required on both sides of collector and arterial streets in accordance [with this section, and](#) with [Section 16.65, Bicycle Facilities Construction Standards](#).

Table 16.6 - Minimum Sidewalk Widths

	Local Streets (Residential) ¹	Local Streets (Non-Residential) ²	Collector	Arterial
Landscape zone (minimum in feet)	2'	5'	6'	6'
Sidewalk clear zone (minimum in feet)	5'	8'	N/A	N/A
Multi-use sidepath clear zone (minimum in feet)	N/A	N/A	10'	10'

1 = The landscape zone and sidewalk clear zone is applicable [to](#) all roads within residential subdivisions and in residentially zoned or used areas.

2 = The landscape zone and sidewalk clear zone is applicable ~~for~~ along the [entire](#) frontage of the road [in which](#) a residential subdivision entrance is located on.

- Sidewalks shall be at least 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.
- Intersection radius curb ramps shall be provided at street intersections. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks.

16.7 Trail Construction Standards

- Purpose.** The purpose of this Section is to implement bikeways, multi-use sidepaths, greenways, or other public facilities contained in Master Trails Plans, LCI studies, and the Comprehensive Plan.
- Connections to Public Facilities.** Where a new development or redevelopment [adjoins](#) an existing public bikeway, multi-use sidepath, greenway, or other public facility, the development shall provide a connection to such facilities. Where public facilities are incomplete but part of an adopted plan, such connections shall be installed by the development.
- Installation.**

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1. The width of the public facility shall be as depicted and shown on adopted plans. Adopted plans include but are not limited to the Stockbridge Strategic Implementation and Master Plan for Trails, the Comprehensive Plan, LCI plans, and the Henry County Trail Plan.
- ~~1-2.~~ A trail easement shall be required and approved by the Director of Community Development and the Public Works Department. Trail easements shall be recorded on all final plats.
- ~~2-3.~~ Trails shall be at least five (5) inches in thickness and shall be constructed of Portland cement concrete.
- ~~3-4.~~ A two (2) foot minimum clear zone shall be provided on both sides of a trail. These clear zones shall be seeded.
- ~~4-5.~~ A ten (10) foot minimum vertical clearance shall be provided from the trail surface.
- ~~5-6.~~ The entire length of the paved trail shall include a four (4) inch wide, alternating yellow centerline strip and stop markings when approaching intersections.

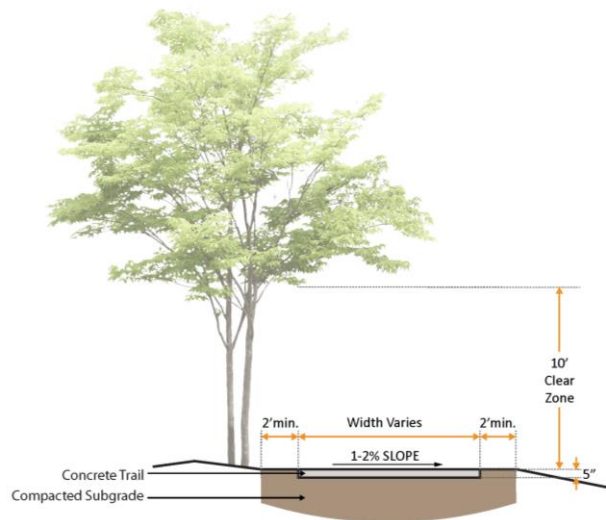


Figure 16.7.C - Trail Cross-Section

- ~~6-7.~~ **Subgrade.** Subgrade shall be compacted to 95% standard proctor. Undercut and backfill may be required as determined by the Public Works Department.

7.8. Intersections. Trail intersection shall include signage, bollards, and pavement striping.

a. Bollards.

- i. A removable bollard shall be placed a minimum of 30' from the edge of the street and align with the alternating yellow centerline striping.
- ii. In addition to a removable bollard, a fixed bollard or fence post shall be on either side of the trail in line with the removable bollard.
- iii. All final locations shall be subject to review and approval by the Public Works Department.

- b. Detectable Warning Surface.** A detectable warning surface shall be installed a minimum of six (6) inches from the edge of the trail and shall be a minimum of 24 inches wide.

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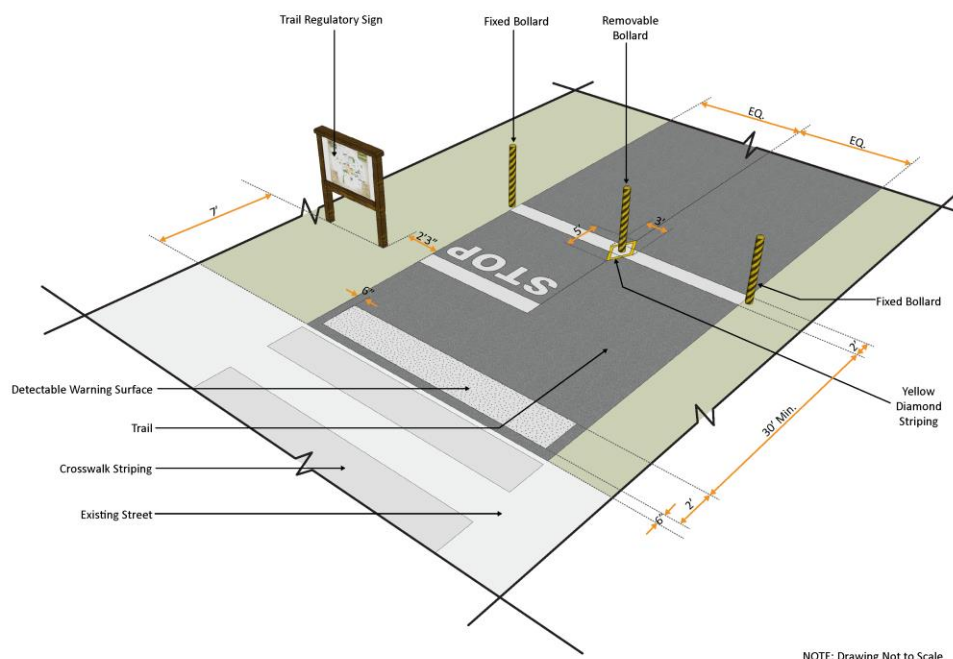
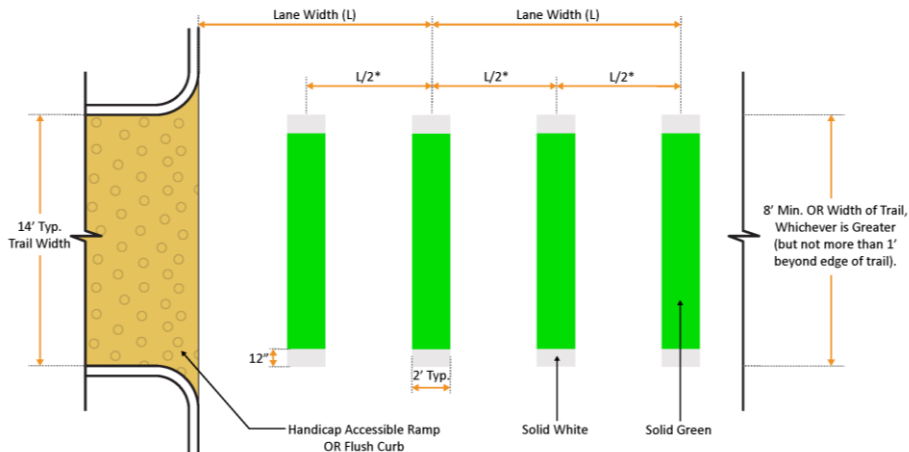


Figure 16.7.C.87 - Trail Intersection and Bollard

8.9. Trail Crossings.

- a. **Marked Striping.** If a trail crossing is required in a development, the development shall provide marked crosswalks. All color pavement markings shall be anti-skid with clean cut edges and conform to GDTO standard specifications for installation and finish.

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*Use 5' for (L/2) when lane width exceeds 12', OR where lane lines have been omitted.

Figure 16.7.C.98 - Marked Crossing

- b. **Crossing Island.** A crossing island shall be required for mid-block pedestrian crossings, on roads with four or more travel lanes with posted speed limits of 35 miles per hour or more, or where AADT is 9,000 or higher. The crossing island shall be subject to review and approval by the Public Works Department.
- c. **Raised Crossings.** Raised crosswalks or raised intersections shall be installed based on determination by the Public Works Department.
- d. **Pedestrian Safety.** As determined by the Public Works Department, Pedestrian Hybrid Beacons (PHB) or Rapid Flashing Beacons (RRFB) shall be installed for intersection crossings.

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16.8 Transportation Improvement Projects

- A. **Transportation Improvement Projects.** Every transportation improvement project shall include accommodations sufficient to enable reasonably safe travel along and across the right of way for all users, including non-automobile users as set for in Section 16.3, Streets, 16.5, Bicycle Facilities Construction Standards, and 16.6, Sidewalk Construction Standards; unless one or more of these conditions exist and is documented:

1. Bicyclists or pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right-of-way or within the same transportation corridor.

B. Unpaved Road Improvement Projects.

1. 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 16.3, Streets, 16.5, Bicycle Facilities Construction Standards, and 16.6, Sidewalk Construction Standards along the frontage of the development to the nearest intersection with a paved City road.
2. The minimum right-of-way required according to Section 16.3, Streets shall be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved.
3. In addition to the design, construction, and right-of-way acquisition, the developer shall also be responsible for relocation of utilities.
4. 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.
5. In instances where improving a roadway to the limits of the frontage causes for an undesirable termination point for the improved roadway, such as alignment issues or topographic issues, the improvement may be required to be further extended to provide for an acceptable tie-in to the existing roadway.

- C. Required Connections.** Where a new development or redevelopment adjoins a bikeway or pedestrian facility, the development shall provide a bikeway or pedestrian connection to such facilities. Where facilities are incomplete but part of an adopted plan, stub-outs for future linkages shall be provided by the development. A pedestrian connection, or stub-out for future linkages, shall be provided where a new development lies within half (0.5) a mile of a school or existing or planned transit route.

16.9 Streetlight and Pedestrian Light Requirements

16.9.1 General

- 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, as approved by the American National Standards Institute, as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the City.
- B. 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.

16.9.2 Street Light Requirements

- A. All streets and roadways shall include streetlights, 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 streetlights 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.
- C. 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. Pedestrian lights may be installed in addition to required streetlights but shall not be used to fully substitute or eliminate the requirement to install streetlights in accordance with this Section.
- D. All streetlights 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 Council.
- E. 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.
- F. **Lighting Plan.**
 - 1. A lighting plan, which may be prepared by the streetlight provider, shall be provided to the Department 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.
 - 2. **Contents.** The plan shall:
 - a. Include security lights of all kinds and nature;
 - b. Shall illustrate the illumination provided by pedestrian lights; and
 - c. Drawings showing the exact location of proposed streetlights.
 - 3. Lighting plans shall be submitted with the final plat and any additions.
 - 4. No lighting shall be installed or operated without approval of the Department.

16.9.2 New Development Requirements

- A. All new development, including residential subdivisions, multi-family developments, commercial developments, mixed-use developments, industrial developments, and any development involving the construction of new public or private streets, shall install streetlights in accordance with this Section. The developer of shall install all streetlights and pedestrian lights with underground wiring.

- B. 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.
- C. 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 be issued for the purpose of enforcing the lien, including foreclosure and/or judicial sale.

16.9.3 Existing Development Requirements

- A. 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.
- B. The application shall be supported by a petition signed by property owners representing more than 51% of the property owners in the district which is sought to be established.
- C. 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.
- D. Up to three (3) additional streetlights or pedestrian lights may be added to an existing streetlight district, as approved by the City.

16.10 Drinking Water Conservation Requirements

16.10.1 Purpose

It is the purpose of this Section 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.

16.10.2 Fixture Specifications and Installation Standards

- A. No plumbing fixture shall be installed which does not meet the standards listed in this UDC. 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 nonconforming cases:
- B. All plumbing fixtures installed as referred to above should not exceed the following maximum water use rates:
 - 1. Toilets: One and six-tenths (1.6) gallons per flush;
 - 2. Urinals: One (1) gallon per flush;

3. Showerheads: Two and one-half (2.5) gallons per minute;
 4. Kitchen faucets: Two and one-half (2.5) gallons per minute; and
 5. Bathroom and lavatory faucets: Two (2) gallons per minute.
- C. 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 as stated in this Section.
- D. 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 as listed in this Section.

16.10.3 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 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.

16.10.4 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 Public Works Department.

CHAPTER 17: STORMWATER MANAGEMENT

17.1 Purpose and Intent

- A. 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.

- B. 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. This Chapter seeks to meet that purpose through the following objectives:
1. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
 2. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
 3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and to preserve and/or restore natural hydrologic conditions on development sites;
 4. Establish design and application criteria for the construction and use of structural stormwater control facilities that meet the minimum post-development stormwater management standards;
 5. Encourage the use of nonstructural stormwater management and stormwater better site design practices, peak rate and/or runoff reduction, and the preservation of greenspace and other conservation areas, by establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 6. Establish provisions for the long-term responsibility of operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment;

7. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term compliance; and
8. Preserve the natural drainage and natural treatment systems and reduce the additional stormwater runoff and pollutants;
9. Protect public health and safety by reducing the risk of localized flooding and reducing the amount of runoff entering streets.

17.2 Applicability and General Standards

- A. This Section is applicable to all land development, including, but not limited to, site plan applications, development permits, subdivision applications, and grading applications, unless exempt pursuant to Section 17.2,C, Exemptions.
- B. **New Development and Redevelopment Sites.** These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 1. 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 including projects of less than one (1) acre if they are part of a larger common plan of development or sale;
 2. Any redevelopment of a previously developed site that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one (1) acre or more, including projects of less than one (1) acre if they are part of a larger common plan of development or sale.
 3. Any new development or redevelopment, regardless of size, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules or that is defined by the Director to be a hotspot land use; and
 4. Linear transportation projects that exceed the threshold in “1” and “2” above.
- C. **Exemptions.** The following activities are exempt from the requirements of this Chapter.
 1. 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;
 2. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
 3. Land disturbing activity conducted by local, State, authority, or Federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;

4. Repairs to any stormwater management system deemed necessary by the Director;
 5. 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 Subsection 17.2, B, New Development and Redevelopment Sites;
 6. 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 Subsection 17.2, B, New Development and Redevelopment Sites;
 7. 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
 8. Linear transportation projects being constructed by the City of Stockbridge, other local governments, or State agencies to the extent the Director 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 Director that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the Director.
- D. **Designation of Administrator.** The Director is hereby appointed to administer and implement the provisions of this Chapter.
- E. **Compatibility with Other Regulations.** This Chapter is not intended to modify or repeal any other chapter, rule, regulation or other provision of law. The requirements of this Section are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other chapter, 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.

17.3 Stormwater Design Manual

The City of Stockbridge will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda for the proper implementation of the requirements of this Chapter.

17.4 Permit Application

17.4.1 Permit Application Requirements

- A. No owner or developer shall perform any land development activities without first meeting the requirements of this Section prior to commencing the proposed activity.
- B. Unless specifically exempted by this Section, any owner or developer proposing a land development activity shall submit to the Department a permit application on a form provided by the City for that purpose.
- C. Unless otherwise exempted by this Section, a permit application is accompanied by the following items in order to be considered:
 - 1. Stormwater management plan in accordance with Section 17.6, Stormwater Management Plan;
 - 2. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy;
 - 3. Inspection and maintenance agreement in accordance with Section 17.6, Stormwater Management Plan, if applicable; and
 - 4. Permit application and plan review fees in accordance with Section 17.4.3, Application Review Fees.
- D. The approved stormwater management plan shall obligate the responsible party to accomplish all land clearing, construction, development, and drainage in accordance with the Stormwater Management Plan. Any and all permits for development activities may be revoked at any time if the construction of stormwater management facilities is not conducted in substantial conformity with approved plans.
- E. The applicant or responsible party shall obtain all state and federal permits required for the proposed development activity in addition to the plans and permits required by the City.
- F. Upon completion of the project the applicant or responsible party shall submit the engineer-of-record's certification and as-built plan that includes the global positioning system coordinates of the stormwater management facilities. If the as-built plan differs substantially from the approved plan but is still acceptable to City, then the applicant or responsible party shall update the recorded inspection and maintenance agreement upon approval by the City.

17.4.2 Application Procedure

- A. Applications for development permits are filed with the Department.

- B. Permit applications shall include the items set forth in Section 17.4.1, Permit Application Requirements. Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included as part of the application submittal.
- C. The Department shall inform the applicant whether the application, stormwater management plan, and inspection and maintenance agreement are approved or disapproved.
- D. If the permit application, stormwater management plan, or inspection and maintenance agreement is disapproved, the Department 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. All provisions of this Section shall apply to such resubmittal.
- E. Upon a finding by the Department that the permit application, stormwater management plan, and inspection and maintenance agreement, if applicable, meet the requirements of this Section, the Department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person is subject to the following requirements:
 - 1. The applicant shall comply with all applicable requirements of the approved plan and this Section and shall certify that all land clearing, construction, land development, and drainage will be done according to the approved plan;
 - 2. The land development project is conducted only within the area specified in the approved plan;
 - 3. The Department is allowed to conduct periodic inspections of the project;
 - 4. No changes may be made to an approved plan without review and written approval by the Department; and
 - 5. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 17.7, Performance Criteria.

17.4.3 Application Review Fees

The fee for the 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.

17.5 Stormwater Concept Plan

- A. **Discussion of post-development stormwater management.** 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. **Information to be submitted.** To accomplish this goal, the following information is included in the concept plan that is submitted in advance of the meeting:
1. **Existing Conditions/Proposed site plans.** Existing conditions and proposed site layout sketch plans which illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces; and Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;
 2. **Natural Resources Inventory.** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the 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.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
 3. **Stormwater Management System Concept Plan.** A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as

applicable); relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans and any relevant resource protection plans will be consulted in the discussion of the concept plan.

4. 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).

17.6 Stormwater Management Plan

- A. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Section, including the performance criteria set forth in Section 17.7, Performance Criteria.
- B. This plan is in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a design professional licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the current Georgia Stormwater Management Manual edition and the City's submittal requirements for commercial and single-family residential development.
- C. **Responsibility.** Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements are made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site the person to be permanently responsible for its inspection and maintenance.

17.6.1 Submittal Requirements

The stormwater management plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the applicable design requirements and forms found in the Georgia Stormwater Management Manual and the City's submittal requirement for commercial and single-family residential development. This includes but is not limited to:

- A. Common address and legal description of the site.
- B. Vicinity map.
- C. Stormwater Concept Plan.

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- D. **Existing conditions and proposed site plans.** Existing conditions and proposed site layout plans which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, building parking area and other impervious surfaces.
- E. **Infiltration rates.** Infiltration rates shall be determined by soil surveys, on-site soil analysis, or a percolation test. If the site has been previously developed or graded or contains urban soil types, a percolation test is required.
- F. **Natural resources inventory.** A written or graphic inventory of the natural resources in existence prior to the commencement of the project. This inventory shall address resources both on the site and in the surrounding area that are or may be impacted by the project. This inventory shall also include a description of the soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural features protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks, including but not limited to drinking water well setbacks and septic setbacks. Particular attention should be paid to environmentally sensitive features that present constraints for development.
- G. **Existing conditions hydrologic analysis.** The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities in accordance with the current Georgia Stormwater Management Manual, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, pre-development conditions are modeled using guidelines established by the Director for the portion of the site undergoing land development activities.
- H. **Post development hydrologic analysis.** The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff

volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in with Section 17.7, Performance Criteria; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than ~~50 percent (50%)~~50% of the site area for the entire site, then the performance criteria in with Section 17.7, Performance Criteria must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities shall be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces shall be made based on maximum allowable lot coverage in accordance with this UDC when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots, which must be reflected accordingly on the final plat.

- I. **Stormwater management system.** The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 17.7, Performance Criteria; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans or similar protection area plans.

- J. **Post development downstream analysis.** A downstream peak flow analysis is required, which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. 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. 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. analysis must be in accordance with the stormwater design manual.
- K. **Construction-phase erosion and sedimentation control plan.** An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 (O.C.G.A. § 12-7-1 et seq.) or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls. Prior to the approval of the stormwater management plan, the applicant or responsible party shall submit a proposed staged construction and inspection control schedule for approval; otherwise, the construction and inspection control schedule will be for the entire drainage system. No stage work related to the construction of stormwater management facilities or BMPs shall proceed until the next proceeding stage of work, according to the sequence specified in the approved stage construction and inspection control schedule, as inspected and approved. Runoff reduction and water quality measures shall be installed in the final phase of construction to prevent clogging.
- L. **BMP landscaping plan.** A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- M. **Operations and maintenance plan.** Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure

their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include a narrative describing how the stormwater management system is designed to function, including capture, runoff control, water quality treatment, channel and flood protection, and ongoing operations and maintenance procedures for all stormwater management facilities and practices shown on the stormwater management site plan. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures are included in the plan.

- N. **Maintenance access easements.** The applicant must ensure access from right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and shall remain in effect even with the transfer of title of the property.
- O. **Inspection and maintenance agreements.** Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice.
1. The inspection and maintenance agreement shall identify by name or official title the person responsible for carrying out the inspection and maintenance (see also Section, 17.9.3, Responsibility).
 2. 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)~~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)~~30 days' notice, constitute a failure to maintain the stormwater management facility or practice.
- P. **Evidence of acquisition of applicable local and non-local permits.** The applicant shall certify and provide documentation to the Department that all other applicable

environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Q. Determination of infeasibility (if applicable).

17.6.2 Modifications for Off-Site Facilities

- A. The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures are implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- B. A stormwater management plan shall be submitted to the Department that shows the adequacy of the off-site or regional facility.
- C. To be eligible for a modification, the applicant shall demonstrate to the satisfaction of the Director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - 1. Increased threat of flood damage to public health, life, and property;
 - 2. Deterioration of existing culverts, bridges, dams, and other structures;
 - 3. Accelerated stream bank or streambed erosion or siltation;
 - 4. Degradation of in-stream biological functions or habitat; or
 - 5. Water quality impairment in violation of the state water quality standards, and/or violation of any state or federal regulations.

17.7 Performance Criteria

- A. For new developments, the following performance criteria shall be applied to the area of the site impacted by the proposed work. For redevelopment, the following performance criteria shall be applied to the area of the site impacted by the proposed work, provided that the impacted area does not exceed ~~35 percent (35%)~~ 35% of the previously developed area. If the impacted area exceeds ~~35 percent (35%)~~ 35% of the previously developed area, the following performance criteria shall be applied to the entire development, including previously developed area:

1. Green Infrastructure/Low Impact Development. To promote the use of Green Infrastructure, hereafter indicated as “GI”, or Low Impact Development, hereafter indicated as “LID”, techniques, where feasible, the City will allow the use of all GI/LID structures, better site planning techniques, and better site design techniques that are included in the GSMM. Table 17.7.A.1, Summary of Potential GI/LID Structures provides a summary of structures categorized as GI/LID.

a. The use of GI/LIDs for achieving Runoff Reduction may be waived for sites with infiltration rates less than or equal to 0.5 inches/hour. Infiltration rates must be certified by a professional engineer or professional geologist. Testing should be conducted per the GSMM.

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Table 17.7.A.1 – Summary of Potential GI/LID Structures			
BMP Type	Description	Appropriate Setting	Benefits
Bioretention Basins	Shallow stormwater basins or landscaped areas that utilize engineered soils and vegetation to capture and treat stormwater runoff.	Upland	Supports ground water recharge, pollutant, and runoff detention
Rain Gardens	Smaller bioretention areas designed to treat runoff from small areas	Upland	Supports groundwater recharge, treats multiple pollutants, and provides shade, windbreaks, and absorb noise.
Enhanced Dry Swale	Vegetated open channels that are designed and constructed to capture and treat stormwater runoff within dry or wet cells formed by check dams or other structures. Types include a dry conveyance swale and a dry treatment swale.	Upland	Provides partial infiltration of runoff in pervious soils, reduces thermal effects of impervious surfaces, and provides a habitat for wildlife species.

<u>Enhanced Wet Swale</u>	<u>Vegetated open channels that are designed and constructed to capture and treat stormwater runoff within dry or wet cells formed by check dams or other structures. Wet swales are a cross between a wetland and a swale.</u>	<u>Upland</u>	
<u>Grass Channel</u>	<u>Vegetated open channels that provide biofiltering of stormwater runoff as it flows across the grass surface.</u>	<u>Sitewide</u>	<u>Reduces flooding, encourages settling on the channel floor, and promotes infiltration.</u>
<u>Vegetated Filter Strip</u>	<u>Land areas with indigenous</u>	<u>Upland</u>	<u>Supports groundwater recharge, allows for flexibility in design and layout, and adaptable to a variety of site conditions.</u>
<u>Infiltration Practices</u>	<u>A shallow excavation, typically filled with stone or engineered soil mix, which is designed to temporarily hold stormwater runoff until it infiltrates into the surrounding soils.</u>	<u>Upland</u>	<u>Supports groundwater recharge, helps restore pre-development hydrology, and appropriate for small sites with porous sites.</u>
<u>Permeable Pavers</u>	<u>A pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf.</u>	<u>Upland</u>	<u>Provides water quality treatment and compatible with retrofitting existing developed areas.</u>
<u>Downspout Disconnection</u>	<u>Diverts water from flowing over an impervious area to a pervious area</u>	<u>Parcel specific</u>	<u>Restores pre-development hydrology on development sites, supports</u>

			<u>groundwater recharge, and increase water quality.</u>
<u>Rainwater Harvesting</u>	<u>Intercepts, diverts, and stores stormwater runoff for later use</u>	<u>Upland/ Sitewide</u>	<u>Supports restoring pre-development hydrology and reduces post-construction runoff rates, volumes, and pollutant loads.</u>
<u>Green Roofs</u>	<u>Alternative to traditional impervious roof surfaces</u>	<u>Upland/ Sitewide</u>	<u>Well-suited for use on urban development and redevelopment sites, supports wildlife habitat, and reduces urban heat island effect.</u>
<u>Site Reforestation/ Revegetation</u>	<u>Planting trees and other native vegetation in disturbed pervious areas to restore them to their pre-development conditions</u>	<u>Parcel specific</u>	<u>Reduces the amount of runoff, improves the infiltration capacity of soils, and provides a habitat for plant and animal species.</u>

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1. **Water Quality/Runoff Reduction.** All stormwater runoff generated from a site shall provide runoff reduction of the first 1.2 inches of rainfall or shall be adequately treated for water quality before discharge.
2. It will be presumed that a stormwater management system complies with this requirement if it satisfies the stormwater reduction criteria in this Section. However if any of the stormwater runoff volume generated by the first 1.2 inches of rainfall cannot be reduced or retained on site due to constraints such as a high water table, rock, low infiltration rates or the presence of a hotspot, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent (80%) reduction in total suspended solids loads in accordance with the following criteria:
 - a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
 - b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained

according to the specific criteria in the Georgia Stormwater Management Manual or constitutes an alternative practice responsibly designed and documented by the design professional to reproduce the intent of the Georgia Stormwater Management Manual; and

- c. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices, and pollution prevention practices.

2.3. Stream Channel Protection. Protection of stream channels from bank and bed erosion and degradation is provided by using all of the following three (3) approaches:

- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event; and
- c. Erosion prevention measures such as energy dissipation and velocity control.
- d. **Exemptions.**
 - i. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, stream channel protection is not required.
 - ii. Only approach “b” may be waived for sites that discharge directly through piped stormwater drainage systems into larger streams, rivers, wetlands, lakes, estuaries, tidal waters, or other situations where the reduction in smaller flows will not have an impact on stream bank or channel integrity.

3.4. Overbank Flooding Protection.

- a. Downstream overbank flood and property protection is provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (a) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided. For redevelopment projects overbank flood and property

protection shall be provided by reducing the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the following formula:

i. $\%PIC/2 = \%PDRR$

1. PIC = Pre-development Impervious Cover

2. PDRR = Peak Discharge Rate Reduction

- b. For sites where previous demolition has removed impervious surfaces, pre-development peak discharge rate calculations and percentage of impervious coverage shall be calculated based on pre-demolition conditions. For sites that have been demolished and have remained fallow and stabilized with vegetation for a minimum of five (5) years, they shall be considered as having pre-development conditions of 20 percent impervious cover for purposes of calculating peak discharge rate reduction.
- c. For land development permitted after 2005 and served by appropriate stormwater management facilities, subsequent redevelopment of the same area is not required to further reduce the peak discharge rate, provided that the site continues to meet the reduction previously achieved.
- d. **Exemption.** For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, overbank flooding protection is not required.

4.5. **Extreme Flooding Protection.**

- a. Extreme flood and public safety protection is provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- b. **Exemption.** For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, extreme flooding protection is not required.

5.6. **Structural Stormwater Controls.** All structural stormwater management facilities are selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other

structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased non-point source pollution loads created on the site in question. Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

6-7. Stormwater Credits for Nonstructural Measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 17.7.AA.21, Water Quality/Runoff Reduction. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identifies the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

7-8. Drainage System Guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of right-of-way and private properties adjoining project sites and/or rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows are in accordance with the stormwater design manual;
- b. All culverts, pipe systems and open channel flow systems are sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and;

- c. Design and construction of stormwater conveyance facilities are in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

8-9. **Dam Design Guidelines.** Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and rules for dam safety, as applicable.

B. **As-Built.** All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the Department is required before the release of any performance securities can occur.

C. **Long-Term Maintenance Inspection of Stormwater Facilities and Practices.**

1. The absence of an inspection and maintenance agreement shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater management facility. If the owner or responsible party fails or refuses to meet the requirements of this Section, the City may correct the violation at the owner's expense.
2. For facilities constructed prior to the effective date of this Section the owner or responsible party shall perform proper maintenance of the stormwater maintenance facility as required by the indemnification agreement. If the owner or responsible party fails or refuses to meet the requirements of this Section, the City may correct the violation at the owner's expense.
3. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Section.
4. A stormwater management facility or practice is inspected on a periodic basis by the person responsible in accordance with the approved inspection and maintenance agreement or in the absence of an inspection and maintenance agreement, in accordance with the requirements of this Section. If the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department shall notify the person responsible for carrying out the maintenance plan who is specified in the inspection and maintenance agreement by registered or certified mail. The notice shall specify the measures needed to comply with the agreement and the

plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the person responsible fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in this Section.

5. An annual inspection shall be performed and attested to by a professional engineer with results reported to the City. Any deficiencies noted in either operation or maintenance of the facility must be included in the report along with the proposed remedies required and a timetable for their implementation. If substantial deficiencies are found, a follow-up inspection to confirm correction of said deficiencies shall be performed and reported to the City.

- D. **Records of Maintenance Activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Department.

17.8 Stormwater Management Design Requirements

- A. Stormwater management requirements may be satisfied through individual on-site stormwater management facilities, including wet ponds, dry detention ponds, or other BMPs designed in accordance with the GSMM, subject to approval by the City Engineer. Where a regional stormwater facility has been designated in an approved watershed or master stormwater plan, the Director may require participation in such facility in lieu of or in addition to on-site controls.

B. Stormwater Management Screening. Evergreen vegetative screening shall be provided with a minimum height of three (3) at the time of planting around the pond.

B-C. Stormwater Management Fencing. When a detention structure is over four (4) feet 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.

1. Fences shall be five (5) foot high chain link or other approved material with a ten (10) foot wide gate.
2. Fences shall be located on the outside edge of the ten (10) foot perimeter easement.
3. No fences may be built that would inhibit proper function of the drainage system.

C-D. Drainage Easements. Drainage easements suitable for the construction and maintenance of the drainage system shall be provided, in compliance with the following provisions:

1. All subdivision lots shall have a ten (10) foot drainage easement along all side lot lines.
2. All stormwater management facilities shall be accessible from a street by a minimum 20-foot graveled easement, which easement shall also be available to the City.
3. All detention facilities shall have a ten (10) foot access easement around the outside perimeter of the facility.
4. No fences or planting of shrubbery shall be allowed on the access easement(s).
5. The easements shall be shown on the final plat.

17.9 Stormwater Management Utility

17.9.1 General

- 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.

17.9.2 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 Directo.

- 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.

17.9.3 Responsibility

- A. The stormwater management utility shall be responsible for stormwater management throughout the corporate limits of the City. 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 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-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, then the City will act to maintain the facility or pond. The private party shall remain responsible for all costs incurred for that maintenance provided by the City.
 - 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 shall 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.

17.9.4 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.

17.9.5 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 stormwater 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 grouping according to the number of ERUs and parcel area. This method greatly simplified the computation of charges and reduces significantly the costs associated with individually unique parcel measurements.
1. **Tier 1.** Include all parcels up to ~~ten thousand (10,000)~~10,000 square feet in size and are assessed one (1) ERU;
 2. **Tier 2.** Include all parcels greater than ~~ten thousand (10,000)~~10,000 square feet in size and are assessed two (2) ERUs.
- F. 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.
- G. Each single-family residential property shall be billed a stormwater service rate charge for the number of ERUs and the whole number of acres of parcel area.
- H. Tier 1 and Tier 2 parcels are assigned an acreage charge based on the actual acreage to the next whole integer.
- I. Properties classified as nonresidential shall be billed on the basis of the number of ERUs 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.
- J. The method of calculating the service rate charge for all properties shall be as follows:
- $$\text{Parcel Fee} = (IR) \times (ERUs) + (AR) \times (AU) + (AF)$$
- IR* is the impervious area rate as established by this chapter or by amendment to this chapter. It is applied to the number of ERUs 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 (AUs) 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.
- K. 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.

- L. 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.
- M. The annual base rate charge AF per each billed account shall be three dollars and sixty-six cents (\$3.66) unless changed hereafter by ordinance.

17.9.6 Exemptions and Credits

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 qualify 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 100 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 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 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.

17.9.7 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.

17.9.8 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 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 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 by 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 state 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.
- 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, in accordance with Section 11.34, Appeals of Administrative Decisions. Such appeals must be made within ~~thirty (30)~~30 days of the decision of the City Manager and include a written basis for the appeal.
- 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 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.

17.9.10 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.

CHAPTER 18: GUARANTEES AND SURETIES

18.1 Generally

18.1.1 Surety Required

Before plat recordation, land development permit, building permit, or other project close-out, the Director shall certify that the developer/subdivider/applicant has obtained the necessary bonds, other sureties, and/ or agreements that ensure completion of all required public and private improvements on the subject property.

18.1.2 Sureties Accepted

Three types of guarantees and sureties shall be provided for as a part of the Final Plat approval and/or development permitting processes in accordance with the provisions herein:

- A. Performance guarantees.
- B. Maintenance guarantees.
- C. Maintenance agreements/inspections.

18.2 Performance Guarantees

18.2.1 Purpose

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed at the time a Final Plat or project closeout is desired. Instead of requiring the completion, installation, and dedication of any and all improvements prior to approval of a Final Plat or certificate of occupancy or certificate of completion, the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to complete all required improvements prior to the release of the performance guarantee.

18.2.2 Performance Guarantee Amounts

The performance guarantee shall be payable to the City of Stockbridge and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.

18.2.3 Duration

The duration of the performance guarantee shall be no longer than ~~twelve (12 12)~~ months for all required improvements, except for roadway improvements, which shall have a duration of four (4) years. The duration for roadway guarantees may be extended beyond four (4) years at the discretion of the City. In all cases, guarantees may be released earlier if the associated improvements are accepted by the City prior to the expiration of the applicable duration.

18.2.4 Financial Security Renewals

- A. For roadway improvements, the initial financial security shall remain in effect for a period of one (1) year and may be renewed for up to three (3) additional one-year terms, not to exceed a total duration of four (4) years subject to conditions as specified by the City. The developer shall be responsible for maintaining continuous and adequate financial security throughout the duration of the project.
- B. If, due to unforeseen circumstances, the City determines that an extension beyond four (4) years is warranted, such extension may be granted at the discretion of City. Prior to granting an extension beyond the four-year limit, the developer shall submit a current cost estimate for all remaining work to the City. The City shall review the submitted cost estimate and the remaining scope of work to verify that the existing financial security is sufficient to cover the cost of completing the improvements. If the City determines that the financial security is not adequate, the developer shall be required to provide an additional amount of financial security in a form acceptable to the City to ensure the full completion of the remaining improvements.

18.2.4 Forfeiture

Performance guarantee funds shall be forfeited if the required improvements are not completed and accepted by the City within ~~twelve (12)~~ 12 months, or in the case of roadway improvements, at the time of financial security renewal if the developer fails to renew the financial security prior to the completion and acceptance of the improvements.

18.3 Maintenance Guarantees

18.3.1 Purpose

Maintenance guarantees shall be allowed for all improvements to be publicly dedicated and/or maintained (e.g.: streets, sidewalks, landscaping) to guarantee the quality and ongoing performance of the installations. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

18.3.2 Maintenance Guarantees Amounts

The maintenance guarantee shall be payable to the City of Stockbridge and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.

18.3.3 Duration

The duration of the surety shall be for a period of 24 months following the date of approval of a Final Plat or final certificate of occupancy or certificate of completion.

18.3.4 Forfeiture

Maintenance Guarantees shall be forfeited if the improvement fails to be kept in good repair and condition prior to the release of the maintenance guarantee.

18.4 Maintenance Guarantees (Stormwater)

18.4.1 Purpose

Stormwater maintenance guarantees shall be provided for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

18.4.2 Maintenance Guarantee for Stormwater Facilities Amount

The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00 per cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider, and verified by the City. The guarantee shall be accompanied by the appropriate agreements outlined in Section 18.5, Maintenance Agreements/Inspections (Stormwater).

18.4.3 Duration

The duration of the surety shall be for a period of 24 months following the date of the approval of a final plat or final certificate of occupancy or certificate of completion.

18.5 Maintenance Agreements/Inspections (Stormwater)

18.5.1 Required for Private Stormwater Facilities

Prior to the issuance of any project close-out, final plat, or certificate of completion/occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

18.5.2 Agreement, Generally

- A. **Recordation Required.** The inspection and maintenance agreement, if applicable, must be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of Henry County, Georgia.
- B. **Inspector Required.** The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.

C. Owner Responsibility

1. Responsibility for the operation and maintenance of a stormwater management facility shall remain with the property owner and shall pass to any successor owner, unless an agreement with the City is made whereby the City takes ownership of the facility.
2. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

D. Schedule Required

1. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures.
2. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

- E. City Enforcement.** In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance.

18.6 Authorized Guarantee Types

18.6.1 Mixture of Guarantees is Allowed

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this Section 18.6, Authorized Guarantee Types. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

18.6.2 Bond

Bonds shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.

18.6.3 Cash or equivalent security

The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City.

18.6.4 Escrow

Cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Stockbridge an agreement between the financial institution and the applicant guaranteeing the following:

- A. That said escrow amount will be held in trust until released by the Director and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
- B. That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

18.7 Default and Forfeiture

18.7.1 Failure to Complete Improvements

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this UDC, or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City.

18.7.2 Notification of Default

- A. Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.
- B. The City will provide written notice to the applicant or responsible party of bond default 30 days prior to the abandonment of the project.
- C. The written notice of notification shall at least contain the following information:
 - a. The name and address of the applicant or responsible party;
 - b. The name and address of the surety company, if applicable;
 - c. The address or other description of the site;
 - d. A description of the outstanding improvements that are required to be completed; and
 - e. The deadline or completion date of any required improvements

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D. If the applicant has not completed the required improvements by the required deadline or completion date, the bond shall be defaulted.

E. An aggrieved party may appeal by filing a written notice of appeal, as provided in Chapter 110, Variances and Appeals.

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18.8 Release of Surety

18.8.1 Inspection and Acceptance Required

The City may release a portion of any security posted as the improvements are completed or the maintenance period completed and approved by the Director. When the Director approves said improvements, the Director shall inspect the premises, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the Director shall release the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this UDC.

CHAPTER 19: ACRONYMS AND DEFINITIONS

19.1 Acronyms

Acronyms:

AASHTO – American Association of State Highway Transportation Officials

ADA – Americans with Disabilities Act

ADU – Accessory Dwelling Unit

AMI – Area Median Income

Avg – Average

BMP—Best management practices (i.e. BMP plan)

BTL—Build-to line

CC – Certificate of Completion

CLOMA—Conditional letter map of amendment

CLOMR—Conditional letter of map revision

CO – Certificate of Occupancy

CPESC – Certified Professional in Erosion and Sediment Control

CSD—Conservation subdivision development

DBH—Diameter at breast height
DCA—Department of community affairs
DHR—Department of human resources
DNR—Department of natural resources
DRI – Department of Regional Impact
EPA – Environmental Protection Agency
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
LIA—Local Issuing Authority
LBCS—Land based classification standards
LBWPA—Long Branch Creek Watershed Protection Area
MCC—Mayor and city council
MNGWPD—Metropolitan North Georgia Water Planning District
MRPA—Metropolitan River Protection Act
NEPA – National Environmental Policy Act
NGVD—National Geodetic Vertical Datum
NOI—Notice of Intent
NOT—Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NWI—National Wetland Inventory
O.C.G.A.—Official Code of Georgia Annotated
OHSА – Occupational Safety and Health Administration

PC—Planning commission

PD—Planned development

PODS – Portable on-demand storage units

RFN—Residential fly-in neighborhood

RNC—Rural neighborhood commercial

ROW—Right-of-way

RPZ—Runway protection zone

RV—Recreational vehicle

SF or Sq. Ft. – Square Feet

WCF—Wireless communication facility

WPA—Watershed protection area

19.2 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" means 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" means 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.

"Abatement" means the method of reducing the degree and intensity of pollution, nuisance, or identified area of non-compliance with this Development Code.

"Absorption" means the penetration of one substance into or through another; or, the length of time it takes for a product or real estate to be sold or rented.

"Abut" means to physically touch or border on; or to share a common property line but not overlap.

"Acceleration lane" means an added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

"Access" means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

"Access management plan" means a plan showing the design of access upon a lot. It involves planning for the entry and exit of traffic on major roads in such a way as to keep interference with traffic flow to a minimum and maximize public safety.

"Access permit" means a permit issued by the appropriate governmental agency for the construction, maintenance, and use of a driveway or public street connecting to a highway.

"Accessible design" means accessible generally means that environments, objects, and systems meet prescribed requirements for accessibility for people with disabilities.

"Accessible route" means a continuous, unobstructed path connecting all accessible elements and spaces of a building or facility.

"Accessory equipment" means 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" means 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.

"Accidental discharge" means a discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.

"Acre" means a measure of land containing 43,560 square feet.

"Activity center" means a community focal point providing for the combination, rather than scatteration, of general retail, service, commercial, professional office, higher density housing, and appropriate public/quasi-public uses.

"Adaptive reuse" means the development of a new use for an older building or for a building originally designed for a special or specific purpose.

"Addition to an existing building" means 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.

"Adjoining lot or land" means a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See "Abut".

"Administrative variance" means 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.

"Administrator" means the individual or group responsible for the implementation and enforcement of the ordinance. The Community Development Director, or their designee, shall be the administrator for the zoning ordinance.

"Adult day care" means 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.

"Adult entertainment establishment" means 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.

"Adverse impact" means a condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Adverse impacts usually related to circulation, erosion, drainage, potable water, sewage collection and treatment, but may also relate to lighting and glare, aesthetics quality of life, and environmental impact.

"Aerial view sign" means any sign which is designed primarily to be viewed from above, rather than the standard grade of the ground, vehicles, and local buildings. Aerial view signs may be mounted on roofs or on the ground, but are generally installed in a manner that is not conducive to being interpreted in the immediate ground-level vicinity.

"Affordable housing" means housing with sales price or rent within the means of a low-, middle-, or moderate-income household as defined by state or federal legislation. Not necessarily the same as subsidized housing.

"Aggregate sign area" means the total area of all signage on a particular lot.

"Aggrieved person" means a person, organization, or entity with a direct, substantial, and legally protectable interest in land or property that may be adversely affected by a decision or determination under this Code.

"Agrarian" means relating to the use of land for agriculture, particularly the cultivation or growth of a field or horticultural crop, including dairying, livestock, and poultry raising.

"Agricultural building" means a structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

"Agricultural land, prime" means land that qualifies for a rating as Class I in the US Department of Agriculture (USDA) Soil Conservation Service land-use capability classification.

"Agriculture" means 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.

"Agricultural services" means establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

"Agri-tourism" means agricultural uses such as farms, ranches, and vineyards, that, through promotion and advertising, facilities, and activities seek to attract visitors and guests. Also includes agri-tainment. Events and activities, such as mazes, hayrides, and petting zoos, that allow for recreation, entertainment, and tourism in conjunction with agricultural support and services directly associated with ongoing agricultural activity on-site. Examples of agritourism include dinner on the farm where paid meals are prepared for members of the

public from products of the farm, roadside markets, winery, agricultural craft and gift sales, garden and nursery sales, and special events.

"Aircraft" means any vehicle used or designed for flight in the air.

"Airport" means 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" means 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 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" means a change in size, shape, character, occupancy or use of a building or structure.

"Alteration, structural" means any change in the supporting elements of a building such as bearing walls, columns, beams, or girders.

"Amendment" means any repeal, modification, or addition to a regulation; or any new regulation.

"Amenities" means 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" means 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.

"Americans with Disabilities Act (ADA)" means a 1990 federal law designed to bring Americans with disabilities into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

"Amphitheater" means an open-air venue used for entertainment, performances, and sports. An amphitheater is a circular or oval open-air venue with tiered seating surrounding a central open area, while a theater can be either indoor or outdoor and is designed for performing arts.

"Amusement park (outdoor or indoor)" means 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.

"Animal hospital" means a Facility for the medical treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian.

"Animal kennel" means any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain.

"Animal shelter" means a facility used to house or obtain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

"Animated sign" means 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.

"Annexation" means the incorporation of land area into an existing community with a resulting change in boundaries of that community.

"Antique shop" means a store or shop for the sale of relics, works of art, furniture, or decorative objects made at much earlier time period than the present.

"Apartment" means a type of multifamily dwelling, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis.

"Apartment building" means a type of multifamily dwelling arranged, intended, designed, or occupied on a rental basis.

"Appeal" means a request for a formal review of an appointed administrative official's decision regarding provisions of this unified development code.

"Applicant," means a person submitting an application and plan for approval.

"Application for development" means the application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review and approval purposes. "Approach surface" means 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.

"Approved plan" means a plan that has been granted final approval by the appropriate approving authority.

"Approving authority" means the agency, board, group, or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

"Arcade" means 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 (1) with shops on one (1) or both sides or a commercial establishment featuring rows of coin-operated games.

"Arch" means 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.

"Architectural projections" means building projections that are permitted to intrude into the required front, rear, and side yards.

"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 (one hundred-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 (1%) or greater chance of flooding to an average depth of one (1) to three (3) 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 (1%) or greater chance of flooding in any given year. This includes all floodplain and floodprone 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).

"Art studio" means an area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including, but not limited to, painting, drawing, graphic design, photography, video, film, sculpture and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance and theater. "Artist studio" may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. "Artist studio" may also include accessory sales of art produced on the premises.

"Artist" means a person who practices one (1) of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and

literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.

"As-built plan" means 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" means 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" means open land used for outdoor games such as baseball, football, soccer and other field sports.

"Authority" means the Henry County Water and Sewerage Authority or the Clayton County Water Authority.

"Automobile sales" means 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. An automobile service station is neither a repair nor a body shop.

"Automobile service station" means 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 rendered.

"Automotive service, major" means 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" means 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.

B

"Back-to-back lots" means separate land parcels that have at least half of each rear lot line coterminous.

"Banner sign" means a sign made of flexible materials and supported along one or more sides or at two or more corners by one or more fixed, rigid supports, such as poles or rods.

"Bar" means an establishment in which alcoholic beverages are served for on-site consumption, primarily by drink. Synonym Tavern.

"Barn" means a large farm building used for storing grain, hay, or straw, or housing livestock or storing equipment. See: Agricultural Building.

"Base flood" means the minimum magnitude flood to be used by a community as a basis for its floodplain management regulations; presently required by regulation to be that flood which has a one-percent change of being equaled or exceeded in any given year.

"Base flood elevation" means the highest water surface elevation anticipated at any given location during the base flood.

"Basement" means 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 percent (50%) of the total building perimeter.
- (3) Twelve (12) feet or less above the finished ground at any point.

"Bed and breakfast facility" means 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" means a room that has a closet.

"Bench sign" means a sign applied or affixed to a seat, bench, or other piece of street furniture.

"Berm" means an earthen structure used as a screening device in conjunction with the planting of grass, shrubbery and trees.

"Best management practices" means 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)" means 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.

"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).

“Bicycle (bike)” means a device propelled solely or in part by human power having two or more wheels in tandem, including children’s bicycles, except a toy vehicle intended for use by young children, such as a tricycle.

“Bicycle lane” means a portion of a roadway (either with curb and gutter or a flush shoulder) which has been designated by striping, and special pavement markings or signing for the preferential use by bicyclists. The minimum viable width for Bicycle Lane is five feet and traffic flow is one-way.

“Big box store” means a large, freestanding, single-story retail store, of generally more than fifty thousand square feet, and usually part of a regional or national chain.

“Bike lane” means a portion of a roadway (either with curb and gutter or a flush shoulder) which has been designated by striping, and special pavement markings or signing for the preferential use by bicyclists. The minimum viable width for a Bicycle Lane is five feet and traffic flow is one-way.

“Bike path” means (1) a facility that is paved or unpaved and physically separated from motorized vehicular traffic by an open space or barrier; (2) a designated right-of-way for bicycles, separated from pedestrian and motor vehicles.

“Bike route” means a segment of road designated by the jurisdiction having authority, with appropriate directional and informational markers, but without striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

“Billboard” means freestanding sign, supported by one or more poles, with an area of greater than seventy-two (72) square feet, for the purposes of advertising to travelers upon major roadways and interstates.

“Biomedical waste” means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses, chemotherapy waste, and discarded medical equipment and parts.

“Blank wall” means an exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

“Blighted area” means an area characterized by deteriorating and/or abandoned buildings; inadequate or missing public or community services; and vacant land with debris, litter, lack of utilities, accumulation of trash and junk and impacted by adverse environmental nuisances, such as odor, noise, and heavy traffic.

“Block” means 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” means a building dedicated to and used for the lodging and/or feeding, for compensation, of up to six (6) non-transient 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" means 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.

"Boutique hotel" means a facility not exceeding sixty (60) rooms and where overnight accommodation for less than thirty (30) days are provided for compensation. The building shall have interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours. Does not include extended stay motels.

"Brewpub" means a restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

"Breezeway" means 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.

"Broadcasting station" means room(s) or suite operated as a radio or television broadcasting station or station with local broadcast capabilities intended for satellite distribution of programs.

"Buffer" means 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.

- (1) "Natural/undisturbed buffer" means 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" means 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" means 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)" 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." The definition of stream buffer is governed by Georgia law, O.C.G.A. § 12-7-1.
- (5) "Stream buffer (local)," with respect to a stream, means a natural or enhanced vegetated area lying adjacent to the stream.
- (6) "Structural buffer" means 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 (1) side to the other throughout the year.
- (7) "Zoning buffer" means a buffer required by the zoning ordinance or as a condition of zoning, special use or variance approval for a specific property.

"Buffer strip" means 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" means 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" means 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" means 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" means 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.

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- (2) "Building addition" means 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" means 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" means 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" means 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.
 - (7) "Principal building" means 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" means 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" means 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" means the elements of the environment that are generally built or made by people as contrasted with natural processes.

"Burial ground" means 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.

"Business day" means a calendar day on which the offices of the City are open for normal business, excluding Saturdays, Sundays, and legal holidays observed by the City.

"Business frontage" means that portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage.

C

"Café" means a small restaurant primarily serving coffee drinks and light meals, sandwiches, and/or deserts and which often includes an outdoor seating area and provides table service indoors and out.

"Cafeteria" means a restaurant in which patrons wait on themselves, carrying their food from counters, where it is displayed and served, to their tables.

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

"Campground" means a plot of ground on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. Temporary living quarters shall herein be meant to not last longer than 14 continuous days.

"Canopy, [fuelgas](#) station" means a protective covering or a roof like structure that is free standing, for protection from the elements, not for human habitation, but affixed permanently to the ground. All canopies shall be located at least 15 feet from any public rights-of-way.

"Canopy roofed structure" means a roofed structure that covers an area, or especially one that shelters a passageway between two (2) buildings.

"Canopy sign" means any sign on a cloth, metal, plastic, or other cover designed to shade or shelter a window or entrance of a building or structure.

"Canopy tree (large tree or shade tree)" means any tree, evergreen or deciduous, whose mature height can be expected to exceed 40 feet and whose crown spread can be expected to exceed 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" means 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" means 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.

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"Care home" means 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" means 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.

"Car wash" means an establishment engaged in the business of washing, cleaning, or the interior detailing of vehicles.

"Cemetery" means 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 Appropriateness" means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

"Certificate of occupancy" means 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.

"Certified personnel" means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

"Changeable copy sign" means a sign with the capability of copy change or rearrangement by means of manual, remote, or electronic input upon which changeable letters may be placed, without altering the face or the surface of the sign.

"Change of use" means (1) a change from one use classification in the zoning ordinance to another use classification; (2) any use that differs substantially from the previous use of a building or land.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Character" means special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest / individuality.

"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.

"Charging levels" means the 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.

"Childcare center" means an establishment providing for the care, supervision, and protection of children.

"Church or other place of worship" means a building used for public worship including temples, synagogues and related Sunday school or church facilities.

"Cigar bar/lounge" means an establishment that caters to patrons who smoke cigars. May serve food and alcohol in accordance with the alcohol ordinance.

"City" means the City of Stockbridge, Georgia.

"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 manmade 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.

"City street" means a street which is owned and/or maintained by the City of Stockbridge.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Clearing/clear cutting" means the broad removal of all trees and/or vegetation from an area.

"Clinic" means 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" means 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.

"Coastal marshlands" shall have the same meaning as in O.C.G.A. § 12-5-282.

"Coffeehouse" means an establishment that serves primarily prepared coffee or other hot drinks as well as light snacks.

"College" means an institution of higher education and research that provides undergraduate or graduate degrees.

"Commercial drone delivery hub" means an area of land, structural surface, building, or structure with one (1) or more designated drone staging areas for use by unmanned aircraft, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system (UAS) buildings, structures, and other facilities.

"Commercial vehicle" means 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" means 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.

"Common open space" means land within a Tiny House Village Development that is designated and permanently reserved for the common use and enjoyment of the residents of the development. Common open space may include landscaped greens, plazas, community gardens, walking trails, playgrounds, community buildings, seating areas, recreational amenities, and similar improvements. Required yards, parking areas, public or private streets, drive aisles, utility easements, and stormwater management facilities shall not be considered common open space unless expressly approved by the City.

"Compatibility" means 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" means 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" means 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" means O.C.G.A. § 50-8-1 et seq. and the Minimum Standards and Procedures for Local Comprehensive Planning as adopted by the Georgia Board of Community Affairs.

"Concept plan" means a schematic or conceptual design for land development, prepared for informal review purposes, that carries no vesting rights or obligations to any party.

"Condemnation" means 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.

"Condition of approval" means 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" means 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.

"Condominium" means the ownership in fee simple title of a single unit in a multifamily family dwelling 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" means 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" means 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" means 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" means 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" 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.

"Construction buffer" means a type of buffer which is temporary and remains in effect during the construction of a project.

"Construction standard drawing" means the construction standards manual utilized by the City of Stockbridge and related drawings for public improvements.

"Cooking facilities" means 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.

"Copy" means the graphic content or message of a sign.

"Cornice" means the uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

"Corridor" means 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.

"Cottage Home" means a detached single-family dwelling of compact residential design, constructed on a permanent foundation, that is larger than a Tiny House and intended for permanent residential occupancy within a Cottage Home Village or mixed Tiny House and Cottage Home Village Development. A Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.

"Cottage Home Village Development" means a residential development consisting of multiple Cottage Homes, or a combination of Tiny Houses and Cottage Homes, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.12 of this UDC.

"Cottage Court" means a residential development consisting of a group of small detached dwelling units oriented around a shared common open space and developed under a unified site design.

"County." The use of the word "county" shall mean Henry County unless otherwise specified.

"County street" means a street which is owned and/or maintained by Henry County.

"Covenant, protective" means a contract entered into between private parties which constitute a restriction on the use of a particular parcel of property.

"Covenant, restrictive" means 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.

"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 effect that such systems have on the peak rate of runoff from the site.

"Critical root zone" means 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 one (1) foot per one (1) inch of trunk diameter at breast height (DBH). Example, a twelve-inch diameter tree at breast height (12 inches DBH) would have a 12 foot radius circle (twenty-four-foot diameter circle) which represents the critical root zone (CRZ).

"Cross access easement" means 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.

“Curb” means a stone, concrete, or other improved boundary marking the edge of a roadway or paved area.

“Curb cut” means provision for vehicular ingress or egress connecting land or property to an abutting street.

"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.

“Customary home occupation” means an incidental land use that is permitted within a primary dwelling or an accessory structure upon a lot, which complies with all standards applicable in this UDO.

"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.

D

“Damage, substantial” refers to any change to a structure which impairs its value, usefulness, or normal function. For the purposes of this UDO, substantial damage shall occur when the cost of restoring the structure would equal or exceed 50% of the market value of the structure before the damage occurred.

"Dance studio" means a facility designed and used for the professional instruction and rehearsal of dance, including, but not limited to, ballet, tap, jazz, contemporary, ballroom, hip-hop, and other forms of dance that do not include adult erotic dancing. Workshops, private lessons, and classes can all be offered.

"Day care facility/center for children, day care center for youth, nursery schools and kindergarten schools; and a day care center for adults" means 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.

"Dead, dying, or hazardous tree (DDH)" means 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.

"Decal" means a picture, design or label made to be transferred to glass, wood, metal, or any other hard surface material.

"Deciduous" means plants that drop their foliage annually before becoming dormant.

"Deck" means an unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

"Dedication" means the transfer of property by the owner to another p

"Density, gross" means the total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

"Density, net" means 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 percent (25%)) 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" means 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)" means 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.

"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.

"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.

"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.

"Development" means 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" or "single development" means 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" means a land development activity on a previously undeveloped site.
- (2) "Post-development" means 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" means 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 activity" means any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

"Development approval" means 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.

"Development impact fee" means 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)" means 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 permit" means 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" means 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.

"Development rights" means 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.

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- (1) "Receiving area" means the region or district where development rights may be affixed to property.
 - (2) "Receiving property" means the lot or parcel where development rights are affixed, thereby increasing the permissible density or intensity of use on the property.
 - (3) "Sending area" means the region or district where development rights may be removed for purposes of transfer to another location.
 - (4) "Sending property" means the lot or parcel where development rights are removed, thereby eliminating permissible uses on the property.
 - (5) "Transfer of development rights" means the process by which development rights from a sending property are affixed to one (1) or more receiving properties.

"Director" means 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.

"Diameter at breast height (DBH)" means the diameter of a tree is to be measured by one (1) 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 (4.5) feet above ground level on the uphill side of the tree. If a tree splits into multiple trunks below four and one half (4.5) 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.

"Discharge, accidental" means a discharge prohibited by this UDO that occurs by chance and without planning or thought prior to occurrence.

"Discharge, illicit" means any direct or indirect non-stormwater discharge to the City separate stormwater sewer system, except as exempted by this UDO.

"Distribution center" means an establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by rail, air, or motor vehicle.

"Dormer" means a projection from a sloping roof that contains a window.

"Dormitory" means a building or part of a building that is operated by or on behalf of an institution that is authorized to grant a degree by the Board of Regents of the State of Georgia and used to house students enrolled at such institutions.

"Drainage easement" means 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" means a device composed of a virtually non-erodible 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" 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 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.

"Dripline" means 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.

"Drive-in" means a retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

"Drone" or "unmanned aircraft system" means unmanned aerial systems remotely piloted aircraft that can fly under the control of a remote using a first-person point of view, or in autopilot mode guided by a global positioning system (GPS).

"Drone delivery" means a permitted food store, restaurant, retail store, or warehouse/distribution facility with one (1) or more designated drone staging areas that are incidental to the primary use of the property for use by small, unmanned aircraft systems under fifty-five (55) pounds take-off weight to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

"Drone delivery service" means a primary use of the property with the purpose of operating one (1) or more drone staging areas for use by unmanned aircraft to deliver commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

"Drone staging area" means a designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiate take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment.

"Dwelling" means a building or portion thereof which is designed or used for residential purposes, including single-family, two-family, multifamily dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

- (1) "Accessory dwelling" means 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" means a building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.
- (3) "Multifamily" means a building or set of buildings containing a group of dwelling units on a common lot containing separate living units for three (3) or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as townhouses.
- (4) "Single-family" means 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" means 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" means 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" means 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" means 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" means 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" means the projecting lower edges of a roof overhanging the wall of a building.

"Electric vehicle (EV)" means 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.

"Electric vehicle charging port" means the EVSE component which connects to vehicle charging inlets. One (1) 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 fifteen (15) or more amps of current to be used with the Level 1 EVSE supplied by vehicle manufacturers.

"Electric vehicle charging station (EVSE)" means 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.

"Elevation" means (1) a vertical distance above or below a fixed reference level (2) a fully dimensioned drawing of the front, rear, or side of a building, showing features such as windows, doors, and relationship of grade to floor level.

"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.

"Encroachment" means any obstruction or illegal or unauthorized intrusion into a floodway, right of way, or adjacent land.

"Erect" means to build, paint, construct, attach, hang, place, suspend, assemble or affix.

"Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.

"Erosion and sedimentation control plan" means 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."

"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.

"Evergreen tree" means 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" 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 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.

"Extended detention" means the storage of stormwater runoff for an extended period of time.

"Exterior Architectural Features" means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.

"Exterior Environmental Features" means all those aspects of the landscape or the development of a site which affect the historic character of the property.

"Exterminator" means a person engaged in the service of killing or removing insects, mice, rats, or other pests.

"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.

F

"Facade" means:

- (1) "Primary (front) facade" means 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" means any exterior wall of a building, other than the primary facade.

"Factory" means a building in which raw material and semifinished or finished materials are converted to a different form or state, or where goods are manufactured, assembled, treated, or processed.

"Fall zone" means the area within the radius of a billboard that is equal to 133% of the height of the billboard.

"Family" means 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" means a all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

"Farm supply store" means an establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

"Feedlot" means 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.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

"Fenestration" means windows and other openings on a building façade.

"Fill" means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

"Final plat" means 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.

"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 percent (100%) of the soil surface is uniformly covered in permanent vegetation with a density of seventy percent (70%) 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.

"Fire lane" means an unobstructed paved or improved surface area clearly defined by pavement markings and signs, at least twelve feet wide, and designed to provide access for fire-fighting equipment.

"Firing range" means 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" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

"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

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- (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" means 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" means 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" means 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" means 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" means 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, one-hundred-year" means those lands subject to flooding, which have at least a one percent (1%) 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).

"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 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" means 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.

"Freight Truck" means a commercial vehicle with a manufacturer's recommended gross vehicle weight rating (GVWR) exceeding 26,000 pounds, including Class 6 vehicles or greater under the Federal Highway Administration vehicle classification system, including tractor-trailers, semi-trucks, and combination vehicles.

"Frontage" or "frontage, road" means the distance measured along a public street right-of-way, or the main street property line of a lot.

"Fueling station" or "fuel station" means any building, structure, or area of land used for the retail sale of automobile fuels, such as gasoline or diesel, oils, and accessories. A gasoline station may include the sale of propane, kerosene, food, or retail goods as accessory uses. Fueling stations shall not include game rooms, game arcades, major repair shops, body shops, paint shops, paint booths, or other similar more-intense automotive related use.

"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.

"Funeral home" means a building or part thereof, used for embalming, autopsies, casket storage, and religious or other services necessary to prepare the dead for burial or cremation.

"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-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.

G

"Garage, parking" means 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" means a building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

"Gasoline station" means any building, structure, or area of land used for the retail sale of automobile fuels, such as gasoline or diesel, oils, and accessories. A gasoline station may include the sale of propane, kerosene, food, or retail goods as accessory uses.

"Grade" means the lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

- (1) "Finished grade" means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (2) "Highest adjacent grade" means the highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

"Grade (roadway)" means the slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a two percent (2%) grade represents two (2) feet of elevation change over a one hundred-foot distance.

"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.

"Grandfathered" means an exemption relating to a particular use or activity on a property that does not conform to applicable rules or regulations because of its establishment prior to the enactment of such rules or regulations.

"Grease trap" means a device in which the grease present in wastewater is intercepted and congealed by cooling and from which it may be skimmed off liquid wastes for disposal.

"Green area" means land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park. See Open Space.

"Green infrastructure" stores, treats, and infiltrates stormwater into soil, mimicking natural systems.

"Greenfield" means farmland and open areas where there has been no previous industrial or commercial activity.

"Greenhouse, non-commercial" means a permanent climate-controlled structure enclosed (as by glass or plastic) and used usually year-round for the cultivation and protection of plants.

"Greenspace" or "open space" means any area protected as permanently vegetated land.

"Ground coverage" means the area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

"Ground elevation" means the original elevation of the ground surface prior to cutting or filling.

"Ground floor" means the first floor of a building other than a cellar or basement.

"Group home" means 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.

"Grubbing" means the removal of stumps or roots from a site.

"Gutter" means a shallow channel, usually set along a curb or the pavement edge of road, for purposes of catching and carrying off run-off water.

"Gym" means the abbreviated term for gymnasium, which is an enclosed facility for exercise and athletics.

H

"Habitable floor area" means the total floor area of all the habitable rooms in a dwelling unit.

"Habitable room" means any room in a dwelling unit other than a kitchen, bathroom, pantry, closet, hallway, cellar, storage place, garage, unfinished basement, cellar, or attic.

"Handicapped parking space" means parking spaces reserved for people with disabilities.

"Hardscape" means nonliving components of a landscaped design, such as walls, sculptures, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

"Hardship" means 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" means 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.

"Hazardous waste" means 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" means 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.

"Health care facility" means a facility or institution, whether public or private, engaged in providing services for health maintenance and the treatment of mental or physical conditions. Accessory uses within these spaces include laundries for patients served, restaurants, gift shops, laboratories, pharmacies, and medical offices.

"Height" means 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" means a designated area for landing and takeoff of rotorcraft.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Highest and best use" means the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible that results in highest value.

"Historic district" means 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.

"Historic building or structure" means 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.

"Historic Property" means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Mayor and City Council as a historic property.

"Home occupation" means 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" means a tobacco pipe with a long, flexible tube which draws the smoke through water contained in a bowl.

"Hookah bar/lounge" means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or from one (1) 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" means 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/motel" means a building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, housekeeping services and/or center are provided for guests for an average stay of less than thirty (30) days and offered to the public for compensation. Hotel service provisions of food and beverage services suitable for both guests and meeting spaces and selective amenities, such as but not limited to spas, banquet groups, rooms, conference facilities, valet parking, concierge, and on-site restaurant. Guest rooms center and/or within the building shall contain no equipment for food preparation other than a microwave. There shall be no self-serve laundry facilities (for guests' use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours. Does not include extended stay motels.

"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.

"Household pets" means domesticated animals weighing less than 150 pounds and cared for by the members of the household and which are not raised for commercial gain or considered livestock as defined herein.

"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.

I

"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 of 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.

"Illicit discharge" means any direct or indirect non-stormwater discharge to the City's separate storm sewer system, except as exempted in this UDC.

"Impact fee" means a fee imposed on a development to help finance the cost of public improvements.

"Impermeable" means not permitting the passage of water.

"Impervious surface (or impervious cover)" means 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" means 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.

"Incidental" means subordination and minor in significance or bearing a relationship to the primary use.

"Indoor play space" means 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" means activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26(b)(14).

"Industrialized building" or "modular building" means 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)).

“Industrial park” means a tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, utility needs, aesthetics, and compatibility.

“Industrial waste” means any liquid, gaseous chemical, or solid residue or by products of an industrial process.

“Industrial, heavy” means industrial uses engaged in heavy manufacturing, sewage treatment or disposal facilities, electric generating plants and facilities, incinerator or landfills, water purification facilities, automobile and truck body shops, junkyards and salvage yards, human and animal crematories, motor freight terminals, used motor vehicle storage and impoundment yards, and firing ranges.

“Industrial, light” means industrial uses engaged in light manufacturing, packing, storage, and distribution of products, including warehousing, wholesaling, and shipping and receiving, and scientific research development and training, kennel and animal hospitals, new vehicle storage, and vehicle transportation service establishments.

“Industrialized home” means a dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia Department of Community Affairs.

"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.

"Inert construction waste" means 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" means development of vacant or remnant lands passed over by previous development in the area.

"Infrastructure" means 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.

“In-Kind Mitigation” means the replacement of the impacted aquatic site with one of the same hydrologic regime and plant community type (same species composition).

"Inoperable vehicle" means any motorized vehicle incapable of immediately being driven.

"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.

"Inspection and maintenance agreement" means 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" means activities for civic, cultural, educational, social, or governmental purposes.

"Intensity of use" means the number of dwelling units per acre for residential development and the Floor Area Ratio for nonresidential development, such as commercial, office, industrial.

"Interior landscape area" means 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.

"Interparcel connection" means 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.

"Invasive plant" means 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.

J

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. For example, but not limited to, tires, unregistered and inoperable vehicles, equipment, paper, rags, metal, building materials, household appliances, or lumber.

"Junk/salvage yard" means 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" means any wrecked inoperable, dismantled automobile, truck or other vehicle which does not bear a current State license plate.

"Jurisdictional Wetlands" means a wetland regulated under the federal Clean Water Act for which a § 404 permit from the U.S. Army Corps of Engineers may be needed to impact the wetland. Not all wetlands are jurisdictional wetlands.

K

"Kennel" means:

- (1) "Commercial kennel" means any location which provides boarding and care for dogs, cats, or other small animals for pecuniary gain.
- (2) "Noncommercial kennel" means 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" means a State-approved institution for the education of pre-school aged children.

"Kitchen" means a room or interior area equipped for preparing and cooking food.

L

"Laboratory" means a place devoted to experimental study, such as testing and analyzing, but not including the manufacturing of products.

"Land development activities" means those actions or activities which comprise, facilitate or result in land development.

"Land development permit" means the authorization necessary to begin construction-related, land-disturbing activity.

"Land development project" means a discrete land development undertaking.

"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 permit (LDP)" means 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.

"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 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.

"Land use" means a description of how land is occupied or used.

"Landfill" means a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan. See Sanitary Landfill.

"Landlocked" means a lot or parcel of land without direct access to a public road.

"Landscape plan" means a detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval when required by the unified development code.

"Landscaping service" means an establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping

"Landscape strip" means 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.

"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.

"Laundromat" means a business that provides home-type washing and drying machines for hire to be used by customers on the premises.

"Library" means a building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

"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.

"Litter" means 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).

"Livestock" means any animal raised for food, raw materials or pleasure, and customarily kept on a farm, including but not limited to, beef and dairy cattle, sheep, swine, poultry, horses, mules, donkeys, goats, turkeys, bison, llama, emus and any animal having hooves. This definition of livestock shall not apply to pet chickens owned pursuant to section 9-72 as domesticated animals.

"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 percent (40%) 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" means space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

"Lodge" means 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.

"Long-Term Truck Storage" means the parking or storage of freight trucks for periods exceeding 24 consecutive hours. Long-Term Truck Parking is not intended for short-term or overnight stays of drivers.

"Lot" means 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" means 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)" means 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" means 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" means a lot other than a corner lot or a through lot.

"Lot depth" means the average horizontal distance between the front and rear lot lines. (Lot definitions are illustrated in figure A.1.) [not available]

"Lot line" or "property line" means the property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

"Lot of record" means 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.

"Lot width" means the horizontal distance between the side lot lines measured along the street right-of-way lines. For cul-de-sac lots, lot width shall be measured at the right-of-way and shall be a minimum of 50% of the required width of the zoning district requirement.

"Low impact development" is a land planning and engineering approach that manages stormwater runoff by mimicking natural site hydrology.

"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 unified development code.

M

"Manufacturing" means establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

"Manufacturing, heavy" means an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery.

"Manufacturing, light" means an establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacture of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Unlike heavy manufacturing, light industrial uses are typically processes that do not create noise, fumes, smoke, odors, or glare or health or safety hazards outside of the building where such processes occur

"Manufactured home" means 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. § 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.

“Manufactured home, new” means a manufactured home that is purchased from either the original manufacturer or a dealer in the ordinary course of such dealer's business and has never been titled or previously occupied.”

"Master development plan" means 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.

“Material change in appearance” means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

"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 Section, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

“Megachurch” means a house of worship with a seating capacity or holding capacity of ten thousand or more persons. This use tends to draw from a regional area, have a variety of activities that take place over the entire week, and generate significant amounts of traffic.

“Metes and bounds” means a method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference

"Mini-warehouse" means a building or portion thereof used for 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)" means 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" means 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" means 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.

"Manufactured home park" means a parcel of land that has been planned and improved for the placement of manufactured homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by manufactured homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of manufactured homes on such premises. A manufactured home park does not include an automobile or manufactured home sales lot on which unoccupied manufactured homes are parked for inspection or sale.

"Motel" means 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.

"Motion picture theater" means a place where motion pictures are shown to the public for a fee.

"Move-in house or structure" means [a] pre-existing dwelling or structure relocated to another lot or on the same lot.

"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.

"Multi-Use Path" means a multi-use pathway for all non-automobile users, including pedestrians and bicyclists. The minimum viable width for a Multi-use Path is ten feet and traffic flow is two-way.

N

"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Georgia EPD under authority delegated pursuant to 33 U.S.C. § 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.

"Native plant" means 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.

"Natural area" means 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 drainage flow" means the pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regrading.

"Natural ground surface" means the ground surface in its original state before any grading, excavation or filling.

"Natural vegetated area" means 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.

"Neighborhood" means an area of a community with characteristics that distinguish it from other areas and that may include distinct housing types, schools, or boundaries defined by physical barriers, such as highways or railroads, or natural features such as water bodies.

"Neighborhood park" means a park area designed to serve the active recreational needs of the neighborhood, such as field games, playground apparatus, crafts, and picnicking. The National Recreation and Park Association publishes guidelines and general development standards for variety of park and recreational facilities.

"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 colloiddally dispersed or suspended particles are present.

"Net acreage" means 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 one hundred-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.

"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 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.

"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.

"News rack" means one or more self-service or coin-operated boxes, containers, storage units, or other dispensers fused for the display and sale or distribution of newspapers, periodicals, or other written material.

"Night club" means an establishment open only late at night, in which music is provided, along with space in which dancing by patrons may occur.

"Noise disturbance" means any noise exceeding the noise level limits established for the specific zoning district.

"Nonconformity," "nonconforming situation," or "nonconforming use" means 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.

"Nonconforming sign" means a sign that was legally erected under previous sign regulations, and which became nonconforming to the provisions of this article that were adopted following the installation of the sign.

"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.

"Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

“Nuisance” means a condition or situation that results in an interference with use and enjoyment of property.

“Nuisance abatement” means programs designed to acquire, in an expedited manner, properties that are declared nuisances for all or some of the following reasons: blight, habitually used for illegal purposes, fire damage, gross neglect, disrepair, and debris.

“Nursery school, kindergarten schools.” See “day care” definition.

“Nursing home” means 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

“Object” means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communications equipment.

“Office headquarters” means a large building, five thousand square feet or larger, on a tract of land totaling fifty acres or more built for a specific corporate use and/or user.

“Office, home” means a home occupation in which a part of the dwelling unit is used as the resident’s office. See Home Occupation.

“Office building” means a building used primarily for the conducting the affairs of a business, profession, service, industry or government or like activity; it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care services.

“Office park” means a development on a tract of land that contains a number of separate office buildings, with accessory and supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated basis.

“Off-site” means located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a continuous portion of a street or right-of-way.

“Off-street parking” means a parking space that is not located on a dedicated street right-of-way and that is directly accessible to an access aisle.

“One-way car sharing” means a car sharing system where the vehicle does not have to be returned to the location from which it was rented.

“On-site” means located on the lot that is the subject of the application for development.

“On-street parking space” means a parking space that is located on a dedicated street right-of-way.

"Open space" means 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 one hundred-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" means wetland stream buffers; one hundred-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" means improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;
- (3) "Category C" means improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;
- (4) "Category D" means State waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and
- (5) "Category E" means land donated to a governmental entity for public use, provided such land is not located in a wetland or one hundred-year flood zone.

"Open space, common" means land within or related to a development, not individually owned or dedicate for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include complementary structures and improvements as are necessary and appropriate.

"Open space, natural" means an open space area that is in an unimproved and undisturbed state, with no changes to existing grade or removal of existing vegetation.

"Open space, private" means open space, the use of which is limited to the occupants of a single dwelling, building or property.

"Open space, public" means open space owned by a public entity and maintained by it for the use and enjoyment of the general public.

"Open space ratio" means the total area of open space divided by the total site area in which the open space it to be located.

"Operator" means the party or parties that have:

1. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
2. 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.

"Ordinance" means a law or regulation adopted by a governing body.

"Ordinary high water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

"Outdoor play area" means 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.

"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.

"Outside storage" means 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.

"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).

"Overhang" means the edge of a roof that projects out over the space or wall beneath.

"Overlay zoning district" or "overlay district" means 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" 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.

P

"Parapet" means (1) a barrier, roof, wall, or railing along the edge of a balcony, bridge, terrace, or roof where there is a drop and sudden danger of falling; or, (2) a wall or hip-roof extension along the edge of the roof to visually and acoustically screen rooftop mechanical and HVAC equipment.

"Paratransit" means a form of public transportation service characterized by the flexible routing and scheduling of small vehicles, such as taxis, vans, small buses, to provide shared

occupancy, doorstep, or curbside personalized transportation service. Example: Lyft, Uber, Yellow Cabs, MARTA.

"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

"Park, dog" means a parcel or tract of public or privately owned land set aside and designated for the use by dog owners as "off-leash" areas for exercising their canine pets.

"Park, private" means a tract of land owned or controlled and used by a specific person or entity for active or passive recreational purposes.

"Park, public" means a tract of land owned by a branch of government and available to the general public for recreation purposes.

"Park-and-ride facility" means a parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping at the park-and-ride facility.

"Parking, shared" means the joint utilization of a parking area for more than one use. Involves spaces that are used at different times by different uses, or a single space that serves several stores so that a vehicle does not need to be moved from place to place. Shopping center parking is an example of shared parking. For new construction, instead of computing the parking requirement for each use, a single overall parking ratio may be used.

"Parking space, off-street" means 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.

"Parking structure" means a building or structure consisting of more than one level and used to store motor vehicles. See Garage; Garage, Municipal; Garage, Public.

"Party driveway" means a single way providing vehicular access to two or more properties.

"Party wall" means a common wall shared by two attached structures, buildings, or dwelling units.

"Path" means a cleared way for pedestrians or bicyclists that may or may not have been improved.

"Patio cover" means 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.

"Paved" means 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.

"Pavement width" means the cross-section width of a paved road measured from edges of pavement.

"Pedestrian" means an individual who travels on foot.

"Pedestrian walkway" means a right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, mechanical lifts, and routes through buildings and other areas that are available for public use.

"Percolation test" means a test designed to determine the ability of the ground to absorb water and used to determine the suitability of soil for drainage or septic system use.

"Perennial stream" means any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) Seven-Minute Topographic Series Maps (1:24,000).

"Performance guarantee" means any security that may be accepted by a governmental entity to ensure that improvements required as part of an application for development will be satisfactorily completed. Examples, cash, surety bond, or letter of credit.

"Permeable pavement system" means an alternate or supplemental stormwater management system using cast-in-place or pre-cast modular units, both of which create voids for gravel or grass.

"Perimeter landscape area" means 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" means the authorization, issued by the City of Stockbridge to the applicant that is necessary to conduct the activity that was applied for and approved.

"Permitted use" means any use allowed in a zoning district as a matter of right.

"Permittee" means any person to whom a permit is issued.

"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 this State, any interstate body or any other legal entity.

"Personal care home" means 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.

"Personal services" means establishments primarily engaged in providing services involving the care of a person or their personal goods or apparel. Examples: laundry, including

pressing and cleaning service; diaper service; linen supply; beauty shops; barbershops; shoe repair; steam baths; clothing rental; porter service; and domestic services

"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.

"Pharmacy" means a place where prescription drugs and medicines are prepared and dispersed.

"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.

"Place of worship" means (1) a church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar belief; (2) a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

"Planned Development" means an area of minimum size that is planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, an appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

"Planned Commercial Development" means an area of at least 10 acres in size to be planned, developed, operated and maintained as a single entity and containing one or more structures with appurtenant common areas to accommodate office, retail, commercial uses, and other uses incidental to the predominant commercial use

"Planned Industrial Development" means an area of at least 10 acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more structures with appurtenant common areas to accommodate industrial, manufacturing, warehousing, office, retail, and commercial uses, and other uses incidental to the predominant industrial use.

"Planned Unit Development" means 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.

"Plat" means (1) a map representing a tract of land, showing the boundaries and locations of individual boundaries and streets; (2) a map of subdivision showing compliance with the requirement of all applicable sections of this UDO and any conditions of approval adopted by the Mayor and City Council.

"Plat, final" means a map of all or a portion of a subdivision that is presented to the approving authority for final approval. Approval of the final plat is usually granted only upon the completion or installation of all improvements or the posting of performance guarantees

ensuring the completion of such improvements. Final approval is required before the property can be transferred or building permits issued.

"Plat, preliminary" means the approval of a preliminary plat merely gives the subdivider the authorization to proceed with the planning and development phase of the project.

"Plaza" means an open space that may be improved and landscaped; usually surrounded by streets and buildings.

"Pocket park" means a park for active or passive recreational uses consisting of no less than one-quarter ($\frac{1}{4}$) 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 ($\frac{1}{2}$) the number required and that any consolidated pocket park does not exceed one (1) net useable acre (or forty-three thousand five hundred sixty (43,560) square feet), nor contain less than one-half ($\frac{1}{2}$) a net useable acre (or twenty-one thousand seven hundred eighty (21,780) square feet). 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.

"Portable On Demand Storage Unit (PODS)" means a lightweight storage containers that provide temporary storage for homeowners in yards or driveways.

"Pollutant" means 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" 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.

"Pop up stores" means retail space that is temporary, utilized for short term sales, ranging from one day to several weeks.

"Portico" or "porch" means 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-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" 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.

"Practicability policy" means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

"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.

"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.

"Pre-existing use" means the use of a lot or structure prior to the enactment of this UDO.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Previously developed site" means a site that has been altered by paving, construction, and/or land disturbing activity.

"Primary surface" means 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" means the building or structure containing or to contain the principal use of a lot.

"Principal entrance" means the place of ingress and egress most frequently used by the public.

"Principal permitted use" means 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" means 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.

"Prohibited use" means a use that is not permitted in a zoning district.

"Project" means 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" means 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" means that person or entity that holds legal title to property.

"Proportionate share" means 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, means the combined areas of all required buffers and setbacks applicable to such stream.

"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 hearing" means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to ask questions, comment, and participate

"Public or private property" means 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 streets" means right-of-way dedicated to the county or owned by the county for public street purpose.

"Public utility" means firm, corporation, or local government authorities providing gas, electricity, communications service, and similar essential services.

"Public water facilities" means 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" means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

"Quasi-judicial" means public officials whose acts are functionally comparable to those of a judge, and hence are immune personally from lawsuits.

"Quorum" means a majority of the full authorized membership of a board or agency.

R

"Recreation, active" means leisure time activities, usually of a formal nature and performed with others, requiring equipment and taking place at a prescribed place, site, or field.

"Recreation, passive" means activities that involve inactive or less energetic activities, such as walking, sitting, picnicking, and board and table games.

"Recreation facility" means a place designed and equipped for the conducting of sports and leisure time activities.

"Recreational vehicle" means a vehicular type portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational and camping purposes. These include:

- Travel trailers – A vehicular unit, mounted on wheels, of such size and weight as not to require special highway moving permits with drawn by motorized vehicles (8.5 feet wide maximum) designated and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF when used for camping in set up mode.
- Truck camper – A portable unit, designed to be loaded onto or affixed to , the bed or chassis of a truck and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.
- Motorhomes – A vehicular unit built on a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping, or travel use and not larger than 400 SF. All such vehicles shall have a current state license, inspection sticker, and registration and be titled in the name of the current owner.
- Camper trailer – A vehicular unit mounted on wheels and constructed a collapsible partial side walls which fold for towing by another vehicle and unfold on the camp site

and designed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.

- Tent – a moveable shelter made of canvas or other similar material and supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.

"Recycled water system" means a water system that captures and reuses water previously used in wash or rinse cycles.

"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.

"Regulatory flood (regulatory flood elevation)" means the flood standard equal to or higher than the base flood.

"Remodel" means to construct an addition or alter the design or layout of a building or make alterations or structural changes.

"Rental housing" means housing that is occupied by a tenant paying rent to an owner, with no part of the rent being used to acquire equity in the property.

"Repair major" means improvement requiring a building permit.

"Repair minor" means improvement to correct deficiencies resulting from normal wear and tear and not requiring a building permit.

"Residential district" means an area where buildings used for exclusively for residential purposes occupy more than 50% of the total street frontage.

"Residence" means a home, abode, or place where an individual is actually living on a non-temporary basis.

"Restaurant" means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

"Restaurant, drive-in" means an establishment where food or drink is served to and consumed by a customer in automobile while parked on the premises.

"Restaurant, Drive-through" means an establishment in which food or drink is served to customers within automobiles outside the confines of the building and where the consumption of food or drink is intended to occur off the premises.

"Restaurant, take-out" means where food and or beverages are sold in a form ready for consumption, where or all or significant part of the consumption takes place of premises.

"Retail food establishment, mobile" means a vehicle, usually a van, truck, towed trailer, or pushcart from which food and beverages are sold

"Retail sales" means establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

"Retaining walls" means a structure that is constructed between the lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

"Rezone" means to change the zoning classification of a parcel of land.

"Right-of-way" means 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.

"Riparian" means belonging or related to the bank of a river, stream, lake, pond, or impoundment.

"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 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.

"Roof" means the outside top covering of a building or structure.

"Road frontage" means the distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the city or the county for vehicular traffic or over which the city or the county may hold a prescriptive easement for public access, and including designated and numbered U.S. and state highways.

"Road, minor collectors" means a road/street serving county-wide traffic, these roads collect traffic from local roads/streets and bring developed areas within a reasonable distance of a major collector road; provide service to smaller communities; and link the locally important traffic generators with other areas.

"Road, major collectors" means the primary purpose of a collector road is to collect and distribute traffic between the local streets and the major and minor arterial streets and to provide access to adjacent properties. These roads, with minor collectors, primarily serve county rather than state traffic. More moderate speeds are typical. They serve traffic generators of intra county importance, such as consolidated schools, shipping points, county parks, and important business and agricultural areas. They link these places with nearby cities, arterials and freeways, and serve the more important intra county travel corridors.

"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."

“Rural area” means a sparsely developed area, with population density of fewer than 100 persons per square mile, where the land is undeveloped or primarily used for agricultural purposes.

S

“Sanitary sewer” means an underground system that carries wastewater and sewerage to a treatment plant.

“Saved tree” means a tree in which the critical root zone has not been disturbed by more than 25%.

“Scale” means the relationship between distances on a map and actual ground distance; or, the proportioned relationship of a size of parts to one another.

“Scale of development” means the relationship of a particular project in terms of its size, height, bulk, intensity and aesthetics to its surroundings.

“School” means any building or part thereof, that is designed, constructed, or used for education or instruction in any branch of knowledge or skill.

“Screen” means a structure, berm, or planting consisting of fencing and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property or a portion thereof.

“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 air, 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.

“Self-service storage facility” or “self-storage facility” means 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.

“Septic system” means an underground system with a septic tank used for the decomposition of domestic wastes.

“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.

"Setback" means 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.)

"Screening" means a method of shielding or obscuring one (1) abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

"Shrub" means a woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

"Short-Term Truck Parking" means the parking of freight trucks for periods not to exceed 24 hours for overnight rest, mandatory breaks, or temporary parking.

"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.

- (1) "Sidewalk **planted** 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.
- (2) "Sidewalk **pedestrian-clear** 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 percent (2%).

"Sight triangle" means the triangular shaped portion of land at street intersections in which nothing is erected placed, or planted or allowed to grow as to limit obstructions to the sight distance of motorists entering or leaving the intersection.

"Sign" means 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.

"Sign, animated" or "sign, moving" means a sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

“Sign, awning” means a sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by this UDO.

“Sign, banner” means a temporary sign of cloth or similar material.

“Sign, blade” means a vertically oriented wall sign, also known as a projecting sign.

“Sign, canopy” means a sign attached to the underside of a canopy.

“Sign, digital” means changeable electronic variable message signs that have changeable messages or displays and meet the requirements related to the duration of messages, transition time, lighting, and brightness.

“Sign, directory” means a sign listing the tenants or occupants of a building or group of buildings.

“Sign, electronic” means a sign composed of content or messaging can be changed or altered on a fixed display screen composed of electrically illuminated segments.

“Sign, entrance” means a sign placed near the intersection of a public street and a public or private entryway into a residential or mixed-use development that identifies the name of the development.

“Sign, flashing” means any sign with a message area that electronically scrolls, flashes, varies in illumination, rotates, or changes more often than once every fifteen (15) seconds.

“Sign, freestanding” means sign not affixed to a building.

“Sign, ground” means any sign principally supported by uprights or braces which are permanently placed into the ground and not supported by or suspended from any building or structure. A ground sign is a type of freestanding sign.

“Sign, hand-held” means any sign greater than 36 square inches (0.25 square feet) that is carried or physically supported by a person.

“Sign, hanging” means a sign that hangs below, and it supported by, a marquee, canopy, or awning and is perpendicular to the building face.

“Sign, holiday decoration” means temporary signs, in the nature of decorations, and customarily and incidentally associated with a national, local, or religious holiday.

“Sign, illuminated” means a sign lighted by or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

“Sign, inflatable” means any display capable of being expanded by air or other gas.

“Sign, informational” means a sign not permanently installed in the ground with an area of not greater than four (4) square feet, and a height no greater than three (3) feet. with a sign face made for short term use, containing no reflecting elements, flags, or projections. Standard information signs are mounted on one or more stakes or metal frames, with a thickness or diameter not greater than two (2) inches each.

“Sign, internal” means a sign that is not intended to be viewed from outside the subject property and is located so as not to be visible from any public right-of-way or from any other nearby property.

“Sign, landmark” means a sign that has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art. Such examples include metal frame roof signs, neon signs, and tower-style freestanding signs.

“Sign, mobile” means any sign that is either part of or otherwise affixed to any trailer or vehicle, whether motorized or non-motorized, intended for long-term display at a particular location.

“Sign, monument” means a freestanding sign of which the entire bottom of the sign is generally in contact with or near 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.

“Sign, multi-faced” means a sign with two (2) faces mounted or placed on the same structure that form a geometric angle of less than 45 degrees at their vertex. The characteristics of the largest sign face shall be used to determine compliance.

“Sign, portable” means a temporary sign, such as a sidewalk, sandwich, or A-frame 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.

“Sign, projecting” means any sign which is attached perpendicular to a building or structure and projects outward from the portion of the building or structure to which it is attached.

“Sign, pylon or pole” means a freestanding sign, mounted on one or more ground-mounted support poles or structures.

“Sign, roof” means any sign erected upon or above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.

“Sign, sidewalk or sandwich” means a movable A-Frame sign.

“Sign, snipe” means any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

“Sign, stake” means a temporary yard sign supported by at least one (1) upright stake placed into the ground, with a sign area not greater than eight (8) square feet.

“Sign, temporary” means any sign or device which is not temporarily 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, such as balloons, banners, and mobile signs.

“Sign, wall” means a sign fastened to or painted on, the wall of a building or structure in such a manner as the wall becomes the supporting structure for or forms the background

surface of the sign, and that does not project more than 12 inches from such building or structure.

“Sign, window” means a permanent sign that is painted or mounted on a window pane or hung directly inside a window for the purpose of identifying the sign from the right-of-way or street.

“Sign area” means the face of the sign, including letters, numerals, or graphics, but excluding any framing, trimming, molding or supporting structures.

“Sign face” means the area or display surface on a sign used for the message.

“Significant tree” means any existing, healthy, living tree eight (8) inches DBH or greater in size.

“Silviculture” means a process, following accepted forest management principles, whereby forests are tended, harvested, and reforested either by natural or artificial reforestation, or both.

“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.

“Site” also means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

“Site plan” means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetations, drainage, floodplains, and waterways; landscaping and open areas; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers, and screening devices; surrounding development; and other information that may be reasonably required in order for the governing authority to make an informed decision.

“Site plan, minor” means a Development Plan involving an alteration or small addition to an existing development in which the increase in floor area is less than 10% of the existing floor area, does not require a new street or an extension of an existing street, does not require off-trail improvements, and does not require variances.

“Small box discount store” means a retail store:

- (1) With floor area less than twelve thousand (12,000) square feet;
- (2) That primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and
- (3) 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 [fuelgas](#) 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.

"Solar energy system, integrated" means an SES where solar materials are incorporated into building materials, such that the two (2) 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.

"Solar energy system, rooftop" 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.

"Solar energy system, ground mounted" 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:

- (1) "Solar energy system, ground mounted small scale (small scale SES)" means a ground mounted SES with a footprint of less than two (2) acres.
- (2) "Solar energy system, ground mounted intermediate scale (intermediate scale SES)" means a ground mounted SES with a footprint of between two (2) and fifteen (15) acres.
- (3) "Solar energy system, ground mounted large scale (large scale SES)" means a ground mounted SES with a footprint of more than fifteen (15) acres.

"Solid waste" means putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manure, industrial wastes, abandoned automobiles, dredging wastes, construction

wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

"Solid waste management facilities" means 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" means a gathering or event for which the promoter or other person, firm, or corporation holding or producing the event must obtain a permit.

"Special use" means 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 special use is permanent in nature.

"Specimen tree" means a particularly impressive or unusual example of a species because of its size, age, shade, or other trait that epitomizes the character of the species.

"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.

"Stable, private" means a stable with a capacity of not more than four (4) horses, mules or other draught animals.

"Stable, public" means a stable other than a private stable with a capacity of more than four (4) horses, mules or other draught animals.

"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 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" 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, 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).

"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.

"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 management plan" means a plan for post-construction stormwater management at the site that meets the requirements of Chapter 17 and is included as part of the land development application.

"Stormwater management standards" means those standards set forth in Chapter 17.

"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 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.

"Stormwater runoff" means flow along the surface of the ground, resulting from precipitation.

"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.

"Street" means any right-of-way, public or private, including arterials, collectors, local roads, and roadways by any other designation, as well as bridges, tunnels, and other portions of the transportation network.

"Street" also means 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.

- (1) "Alley" means 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" means a street developed with two (2) one-way pavements separated by a landscaped median.
- (3) "Collector street" means 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" means 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" means a local street open at one (1) end and closed at the other.
- (6) "Expressway" means the expressway system, which includes high volume limited access thoroughfares through the county and region beyond.
- (7) "Frontage road" means 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" means a public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.
- (9) "Major arterial" means 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" means 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" means a dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

"Street furniture" means constructed, above ground objects, such as outdoor seating, kiosks, bus shelters, sculptures, trash receptacles, planters, bollards, fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and outdoor spaces.

"Structure" means 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.

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- (1) "Structure, principal" means the building or structure in which the primary use permissible on the lot is conducted.
 - (2) "Structure, accessory" or "accessory use" means 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.

"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."

"Structural stormwater control" means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

"Subdivision" means 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.

"Subdivision, consolidation" means the combining of individual recorded lots to form fewer tracts than currently exist.

"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.

"Subdivision, minor" means any subdivision of land that does not involve the following (1) creation of more than the maximum number lots allowed by this UDO for that district; (2) any new street; (3) the extension of any off-tract improvements.

"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-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

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- (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" means 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.

"Surface area" is the total exterior area, calculated by measuring the height and width of each building façade, including projections.

T

"Telecommunications tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas: self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, and cellular communications towers.

"Tenant frontage" means 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.

"Theater" means a building or part of a building used to show motion pictures or drama, dance, musical or other stage performances.

"Timber harvesting" means the felling, loading, and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

"Tiny house" means a detached single-family dwelling of compact design intended for permanent residential occupancy, constructed on a permanent foundation in accordance with the Georgia State Minimum Standard Residential Code, as amended, and containing not less than four hundred fifty (450) square feet and not more than six hundred (600) square feet of floor area, excluding lofts, attached porches, garages, and accessory structures. A Tiny House shall comply with the Tiny House requirements established in Section 3.2. of this UDC.
~~means a detached dwelling unit containing a maximum gross floor area of four hundred (400) square feet, excluding porches, patios, loft areas not meeting habitable space requirements, and accessory structures~~

"Tiny house on wheels (THOW)" means a dwelling unit constructed on a trailer chassis or other movable platform that is designed to be transported on public roadways and is not

permanently affixed to a permanent foundation. A Tiny House on Wheels shall not be considered a dwelling unit or a permitted residential use under this UDC.

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"Tiny house village development" means a residential development consisting of multiple Tiny Houses, multiple Cottage Homes, or a combination of both, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.41 of this UDC.

"Tot lot" means an improved and equipped play area for small children, usually up to elementary school age.

"Tower" or "tower support structure" means 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) ~~(1)~~—"Monopole tower" means a cylindrical self-supporting communications tower constructed as a single spire.

"Townhome" A residential dwelling unit constructed in a building containing three (3) or more attached dwelling units, with each unit having its own individual entrance. Townhomes may be developed on a common lot or on individually platted lots in accordance with the requirements of the applicable zoning district.

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"Tractor trailer storage" means property used for the long term-controlled storage of tractor trailers which include permanent office or security facilities.

"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.

"Transparency" is the minimum percentage of windows and doors that must cover a facade.

"Transportation Improvement Project" means the construction, reconstruction, retrofit, or alteration of any street, and includes the planning, design, approval, and implementation processes, except that "Transportation Improvement Project" does not include routine upkeep such as cleaning, sweeping, mowing, spot repair, or pavement resurfacing.

"Tree" means 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 three (3) inches at any point and a height of over twelve (12) feet.

"Tree defects." Tree defects can be of two (2) 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.

"Tree density unit (TDU)" means a credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this chapter.

"Tree density standard (TDS)" means the minimum number of tree density units per acre which must be achieved on a property after development.

"Tree diameter" means the widest cross-sectional dimension of a tree trunk measured at the diameter at breast height (DBH).

"Tree protection area" means any portion of a site wherein are located existing trees which are proposed to be preserved to comply with the requirements of this UDC.

"Tree removal" means the physical act of cutting down and removing a tree from a site.

"Tree replacement/protection plan" means 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 service" means a business whose primary operation is the trimming or removal of trees and the storage and use of associated equipment and vehicles.

"Tree thinning" means 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.

"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. 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.

"Truck staging or waiting area" means an area used for temporary truck waiting, dispatching, queueing, or idling generally not to exceed four (4) hours. For the purposes of this UDO, this definition shall not include loading zones associated with active loading and unloading activities.

"Truck stop" means facility for parking of freight trucks for periods not exceeding twenty-four (24) hours for overnight rest, mandatory breaks, or temporary parking.

"Truck storage facility" means a facility for the parking or storage of freight trucks for periods exceeding twenty-four (24) consecutive hours. Long-Term Truck Parking is not intended for short-term or overnight stays of drivers.

"Truck terminal" means an area and building where trucks load and unload cargo and freight and where car and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

U

"Understory tree", "medium tree," or "small tree" means 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.

"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.

"Undisturbed buffer" means a buffer, either impervious or vegetated, in which no encroachment of buildings or structures is permitted.

"Unit of development" means 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.

"Utility" means 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.

"Utility box" means electric transformers, switch boxes, telephone pedestals, and telephone boxes, cable television boxes, traffic control boxes and similar devices.

"Utility corridors" means rights-of-way or easements for utility lines on either publicly or privately owned property.

"Utility services" means the generation, transmission, and/or distribution of electricity, gas, steam, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

V

"Vacancy" or "vacant" means any unoccupied land, structure, building or part thereof that is available and suitable for occupancy.

"Variance" means 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.

"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.

"Vehicle, abandoned" means 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.

"Village center" means a residential development consisting of multiple Tiny Houses, multiple Cottage Homes, or a combination of both, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.41 of this UDC.

"Violation" means 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

"Wall" means (1) the vertical exterior of a building; (2) one of the vertical interior surfaces that divide the building into rooms.

"Warehouse" means a building used primarily for the storage of goods and materials.

"Waste" means an unusable or unwanted substance or material.

"Waste transfer station" means a facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation.

"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.

"Watershed" means the land area that drains into a particular stream.

"Wetlands" means 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" means 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" means 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.

"Work day" or "working day" means a calendar day on which the offices of the City are open for normal business, excluding Saturdays, Sundays, and legal holidays observed by the City.

"Wrecker service" means 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.

"Wrested vegetation" means as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action.

X

"Xeriscape" means landscape design encouraging the use of drought resistant plants and ground cover, as well as water conservation and retention techniques.

Y

"Yard" means 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" means 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" means 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" means 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.

"Yard sale" means the sale of miscellaneous used items, commonly associated with residential use, by the owner and/or occupants of a residential property on that property.

Z

"Zoning district" means the use classification of parcels of land as generally defined under this unified development code.

"Zoning map" means 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 ordinance" means 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.

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CHAPTER 1: GENERAL PROVISIONS

1.1 Generally

1.1.1 Short Title

This ordinance shall be known as the "Unified Development Code of the City of Stockbridge, Georgia," and may be referred to herein as the "code," "ordinance," or the "UDC."

1.1.2 Components of this Unified Development Code

This UDC contains the following parts:

- A. Text of this UDC; and
- B. The Official Zoning Map; and
- C. Any map amendment or conditions of approval adopted in accordance with this Code.

1.1.2 Authority

The UDC is enacted based on the authority vested in the City of Stockbridge by the State of Georgia, including but not limited to the Georgia Constitution Article IX, Section 2, Paragraph IV, the Zoning Procedures Law, O.C.G.A. Chapter 36-66-1 et seq., and the charter of the City of Stockbridge, Georgia.

1.1.3 Purpose of the UDC

This UDC is adopted for the purpose of promoting the public health, safety, and general welfare of the residents, property owners, and visitors to the City of Stockbridge and to encourage the orderly, harmonious, and judicious use of land, consistent with the goals, policies, and strategies of the City of Stockbridge Comprehensive Plan. More specifically, this UDC is adopted to accomplish the following purposes:

A. To balance conservation with environmental stewardship by:

- 1. Conserving unique natural resources, including delicate ecosystems, forested areas, stream beds, water reservoirs, and archeological sites.
- 2. Promoting preservation and restoration of the native tree canopy.
- 3. Protecting the built and natural environments from air, water, noise, and light pollution.
- 4. Incentivizing the use of sustainable design features in new developments and projects.
- 5. Promoting the efficient use of land and preservation of open space.

B. To achieve design excellence of the built environment by:

- 1. Providing parking and access standards that appropriately balance pedestrian and vehicular safety and result in safe pedestrian environments of the highest quality.

2. Providing design standards that result in attractive architecture and compatible transitions of uses, height, and building scale between existing and new developments.
3. Providing and promoting housing for all income groups within the City and promoting the stability of neighborhoods.
4. Ensuring development provides adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

C. To support enhanced quality of life by:

1. Supporting such timing, density, and distribution of land development and uses that will mitigate overcrowding of land to avoid undue concentration of population based on the availability of resources.
2. Reducing or mitigating congestion in the public streets.

1.1.4 Jurisdiction

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.

1.1.5 Minimum Requirements

The provisions of this UDC are intended to be minimum requirements unless otherwise specified. Where the provisions of this UDC impose greater restrictions than other ordinances, the provisions of this UDC shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

1.1.6 Conflicting Provisions

- A. This is the City of Stockbridge Unified Development Code, and all other conflicting ordinances and resolutions are hereby repealed.
- B. If any provision of this UDC is found to be inconsistent with or preempted by state or federal law, regulation, or constitutional requirement, such provision shall be applied only to the extent permitted by law. In such cases, the applicable state or federal requirement shall govern.
- C. Nothing in this UDC shall be construed or applied in a manner that violates or is preempted by applicable state or federal law, including but not limited to the United States Constitution, the Constitution of the State of Georgia, the Georgia Zoning Procedures Law, the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Fair Housing Act, the Americans with Disabilities Act, or the Telecommunications Act of 1996, as amended.
- D. Where the provisions of this UDC conflict with other ordinances or regulations of the City of Stockbridge, the more restrictive provision shall govern, to the extent allowed by law. For purposes of this section, the more restrictive provision is the one that imposes more stringent controls or standards on development. These regulations are not intended to abrogate, annul, repeal, or otherwise impair or interfere with existing provisions of other ordinances or regulations except as expressly provided herein.

- E. The enforcement and interpretation of this UDC shall not be affected by deed restrictions, covenants, or easements, except those imposed as a condition of approval of development plans, special use permits, rezonings, or other approvals granted pursuant to this Unified Development Code.
- F. The issuance of any approval, certificate, or permit in accordance with the standards and requirements of this UDC shall not relieve the recipient of such approval, certificate, or permit from the responsibility of complying with all other applicable requirements from any other city, county, state, or federal agency having jurisdiction over structures or land for which the approval, certificate, or permit was issued.

1.1.7 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 UDC is designed to implement all provisions of the comprehensive plan for the development and use of land.

1.1.8 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. The Director is hereby authorized to interpret the provisions of this UDC whenever it is warranted and appropriate. The Director may authorize a designee to perform any action or duty which such officer, agency, or department is authorized to perform under this UDC.

1.1.9 Effect of Past Approval Condition

- A. The adoption of this UDC shall not repeal or invalidate any special use or conditional approval, or any condition imposed upon a prior rezoning or development approval. Where conditions have been applied to a property or use through the map amendment, special use permit, variance, or similar zoning or quasi-judicial decision process, such conditions shall apply to all portions of the subject development.
- B. All conditions shall be met prior to the issuance of certificates of occupancy/completion for any development within the area subject to a rezoning/map amendment, variance, or special use permit, unless expressly stated in the condition itself.

1.1.10 Effective Date

The provisions of this Ordinance become effective immediately upon adoption. Likewise, the term "Effective Date" shall refer to any subsequent adoption of any amendments.

1.1.11 Severability

If any section, paragraph, clause, phrase, or provision of this UDC 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 UDC.

1.2 Documents Adopted by Reference

The documents identified in the following subsection include any attachments, future additions, appendices, indices, and amendments.

1.2.1 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 UDC. This plan provides information to guide the City of Stockbridge in requiring dedication or preservation of land for rights-of-way for future streets.

1.2.2 Georgia Stormwater Management Manual

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

1.2.3 Metro North Georgia Water Planning District

Legislation for the creation of the Metropolitan North Georgia Water Planning District was enacted 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.

1.2.4 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.

1.2.5 Building and Construction Codes

Each building and construction code that is listed 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).

1.2.8 OSHA Safety and Health Regulations

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 UDC as if they were quoted verbatim here.

1.3 Rules of Interpretation

1.3.1 Generally

The following rules of interpretation shall apply to the administration of the UDC:

- A. Where any conflict in the administration of the UDC between the text of the UDC and any caption, illustration, or graphic presentation exists, the text of the UDC shall control.
- B. All statements that refer to "section" shall mean sections of this UDC, unless the statement clearly provides a reference to another document.
- C. More specific provisions of this UDC shall be followed in lieu of more general provisions.
- D. Where more than one (1) standard on the same subject is applied to the design and development of land, the stricter standard shall apply.
- E. In interpreting and applying the provisions of this UDC, the provisions shall be the minimum requirements for the promotion of health, safety, aesthetics, and welfare of the public.

1.3.2 Rules of Construction of Language

- 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 "day" shall mean a business day.
- F. The word "month" shall mean thirty (30) days.
- G. The word "year" shall mean a period of 365 days, or 366 days in a leap year, unless otherwise specified.
- H. 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.
- I. 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.
- J. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
- K. The word "or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- L. Words and phrases, except as specifically defined in this UDC, shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning, or as defined in the Complete Illustrated Book of Development Definitions (2017, Routledge), as amended. Words that are defined by State or Federal law or regulation shall have the meaning ascribed to them by the law or regulation when used in the context of said law or regulation.

1.3.3 Abrogation

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

1.4 Zoning Map and Zoning Districts

1.4.1 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 Chapters 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. The official Zoning Map shall be kept up-to-date to reflect all property annexations and rezonings, all parcel changes due to recombination and subdivision actions, and all corrections to observed errors.
- 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. This new official zoning map shall:
 - 1. 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.
 - 2. Be re-adopted by the Mayor and City Council as needed.
 - 3. 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 UDC."
- F. 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.
- G. 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.

1.4.2 Overlay Districts

The boundaries of the Overlay Districts referenced and identified in Chapter 2, Zoning and Overlay Districts are incorporated and made a part of the official Zoning Map of the City of Stockbridge.

1.4.3 Rules for Boundary Interpretations

- A. It is the intent of this UDC 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 UDC. If uncertainty exists with respect to the location of the boundaries of any zoning district in the City, the following rules shall apply: 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 UDC, 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. An alley shall not be used as a basis for identifying a through lot. Through lots may also be known as “double frontage lots.”
- G. Where zoning district boundaries are in doubt, the Director shall make such interpretation using the appropriate scale from the official zoning map.

1.5 Transitional Provisions

1.5.1 Purpose

The purpose of this Section shall be to establish the procedures for handling vested rights for application submittals and previous approvals that existed as of the Effective Date of this UDC or any future amendments thereto.

1.5.2 Violations Continue

Any violation of previous zoning ordinances shall continue to be a violation under this UDC and be subject to penalties and enforcement under this UDC unless the use, development,

or activity complies, in its entirety, with the provisions of this UDC. The prosecution of violations which occurred under previous ordinances shall continue until resolved.

1.5.3 Prior Nonconformities and Nonconforming Uses

Any use, plan, structure, or property that was nonconforming under prior ordinances shall be considered a nonconformity under this UDC, except as may be otherwise provided under Chapter 7, Nonconforming Standards. The provisions of Chapter 7, Nonconforming Standards shall be applicable to all nonconformities. Any use, plan, structure, or property that was previously nonconforming that becomes conforming because of adoption of this UDC shall no longer be considered a nonconformity, provided that all applicable provisions of this UDC are complied with.

1.5.4 Effect of this Ordinance on Zoning Applications Submitted and Prior Approvals

A. Application Submitted.

1. Any application for a zoning map amendment (a rezoning) that was filed with the Community Development Department, which is full, accurate, and complete prior to the effective date of this UDC, 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 Code, the Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
2. Any application which is before the Mayor and City Council or the Planning Commission (i.e., a rezoning, a zoning modification, a special use, a variance, or a land use amendment) that has been filed with the Community Development Department, which is full, accurate, and complete prior to the effective date of the ordinance from which this chapter is derived, 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 Code, the application will be dismissed.
3. 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.

- B. Approved Zoning Applications.** Any development or project for which a zoning application has been approved under this provision may proceed to completion of the applicable permitting processes as provided herein, at the applicant's option.

1.5.5 Effect of this Ordinance on Permit Applications Submitted and Prior Approvals

- A. Applications Submitted.** Any development or building activity for which a valid, accurate, and complete application for a Land Development Permit or Building Permit has been received prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion, and permits, and other authorizations may be issued as though this Ordinance had not been adopted.

- B. **Approved Permits and other Authorizations.** Any development or building activity for which a Land Development Permit or Building Permit has been issued prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and permits may be issued as though the Ordinance had not been adopted. Permits shall be determined issued if all fees have been paid and the appropriate permit documentation has been released to the applicant by the City.
- C. **Effect upon Validity of Applications, Permits, and Other Authorizations.** The adoption of this Ordinance shall not be construed to affect the validity of any permit that was lawfully issued prior to the Effective date of this Ordinance, so long as:
1. Such permit has not by its own terms expired prior to such Effective Date;
 2. Actual building or land development construction has commenced prior to the expiration of such permit;
 3. Applications, permits, and other authorizations comply with the process and timing outlined for expirations in Section 9.2, Permits.
 4. Actual building or land development construction is carried on pursuant to said permit and is limited to, and in strict accordance with, said permit; and
 5. Any future change in the use or development of the property or any structure thereon shall conform with the most recent version of this UDC.
- D. **Effect upon Validity of Subsequent Applications.** If any development or building activity requires a series of applications (i.e., Land Development Permit, application for a variance, building permit, etc.), if one application is filed prior to the Effective Date of this UDC, all applications shall be reviewed under the ordinance that is in force and in effect at the time the first application is completed and it shall be approved if it is in compliance with said ordinance, at the applicant's option. Any subsequent applications that are authorized to be processed under this section shall be identified during the review process of the initial, vested application, or they shall be included in the documentation that is submitted with the vested application (i.e., a development site plan that demonstrates the need or intent of the subsequent application(s)).

1.5.6 Effect of this Ordinance on Subdivision Applications Submitted and Prior Approvals

- A. **Subdivision Applications Submitted.** Any subdivision for which a valid and complete subdivision application has been submitted prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion, and such applications may be reviewed and approved in accordance with the subdivision regulations that are in effect at the time of submission, as though this Ordinance had not been adopted.
- B. **Approved Subdivision Plans.** Any subdivision plan that was approved prior to the Effective Date of this Ordinance may, at the applicant's option, proceed to completion under the terms of the previously-approved plan, and in accordance with the subdivision regulations that were in effect at the time of such approval. Approvals shall be deemed valid if all applicable conditions have been met and no expiration has occurred under the provisions that were in effect at the time of approval. Any future

resubmittal, amendment or new phase of development shall conform with the most recent version of this UDC.

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. 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 “City of Stockbridge Official Zoning Map”, together with all explanatory notes thereon. The official zoning map may be amended according to procedures that are established in this UDC. Said map shall be made a public record and shall be kept permanently in the Community Development Department, where the maps or accurate reproductions thereof, will be accessible to the general public, upon request.

2.3 Establishment of Zoning Districts

- A. The zoning districts which are established in this UDC 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.
- B. **Current Zoning Districts.** The City of Stockbridge is hereby divided into the following zoning districts. They are grouped by residential districts, commercial districts, industrial districts, and overlay districts in Table 2.3.B, City of Stockbridge Current Zoning Districts below.

Table 2.3.B – City of Stockbridge Current Zoning Districts.	
Residential Zoning Districts	
RR	RR, Rural Residential District
NR	NR, Neighborhood Residential District
SR	SR, Suburban Residential District
CCR	City Center Residential District
MFR	Multiple Family Residential District
MHR	Mobile Home Residential District
Commercial, Office, and Institutional Zoning Districts	

C1	Neighborhood Commercial District
C2	General Commercial District
OI	Office Institutional District
Industrial Zoning Districts	
LI	Light Industrial District
HI	Heavy Industrial District
Mixed Use Zoning Districts	
DT	Downtown District
MUS	Mixed Use Suburban District
MU	Mixed Use District
PUD	Planned Unit Development District
Overlay Districts	
PMU	Parkway Mixed Use Overlay District
DTV	Downtown Village Overlay District

C. **Required Dimensional Standards.** The following Lot and Building Regulations are applicable in all districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential.

1. Figures 2.3.C.1 through 2.3.C.6 below illustrate sample dimensional and lot coverage standards, as they relate to Table 2.3.C, Required Dimensional Standards, which provides the minimum required lot dimensional standards for each zoning district.



Figure 2.3.C.1 - Dimensional Standards

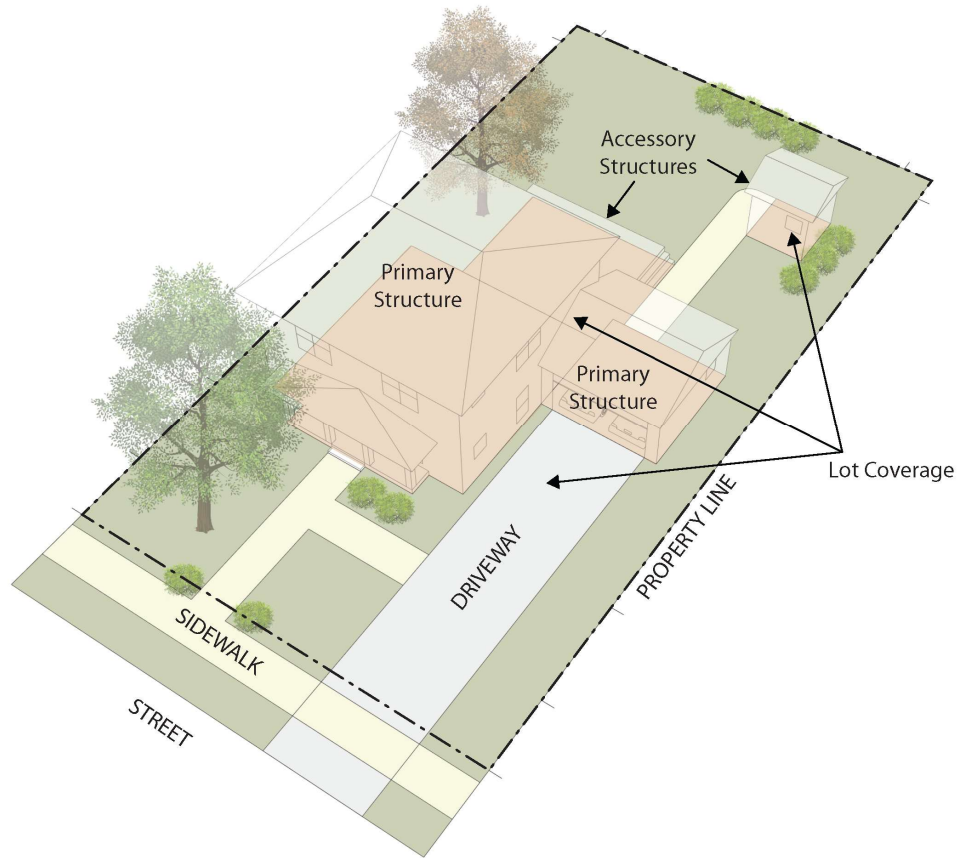


Figure 2.3.C.2 - Lot Coverage Standards

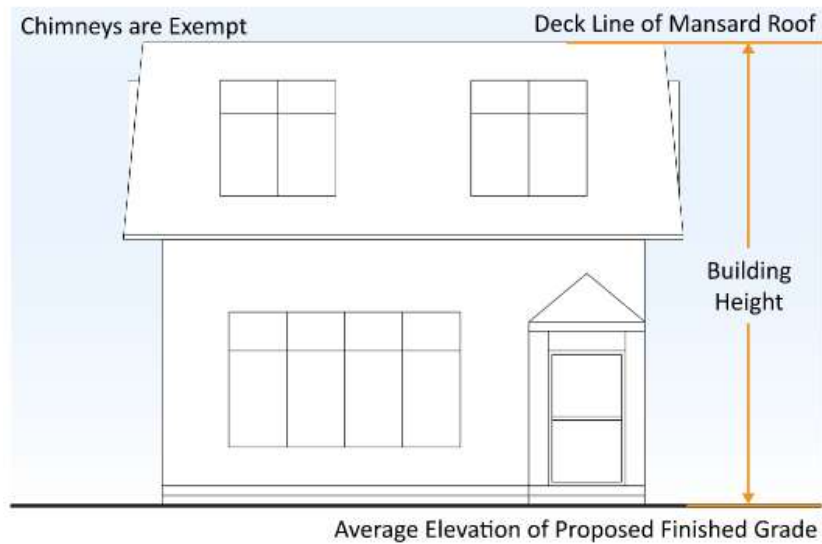


Figure 2.3.C.3 - Building Height Mansard Roof

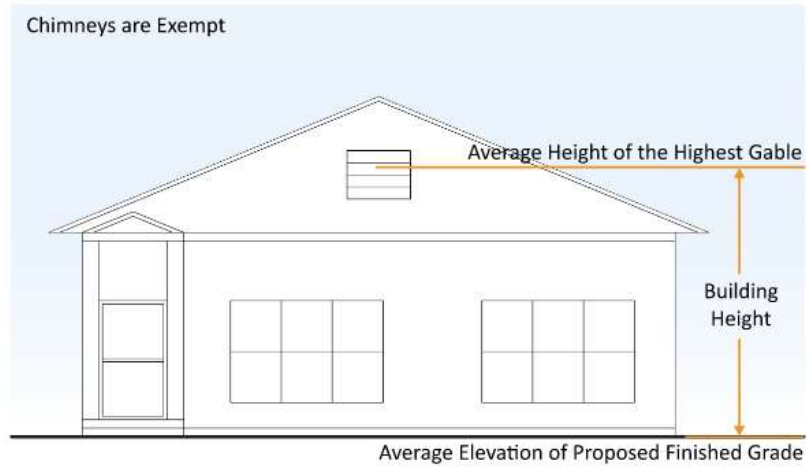


Figure 2.3.C.4 - Building Height Gable Roof

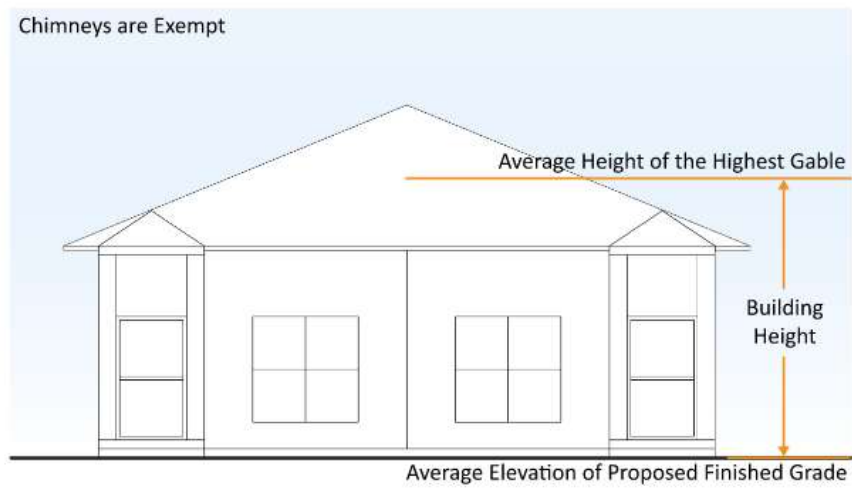


Figure 2.3.C.5 - Building Height Hip Roof

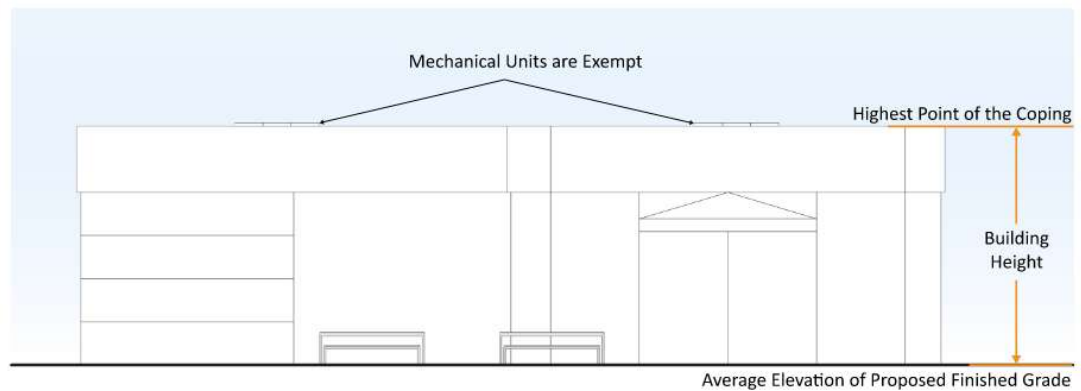


Figure 2.3.C.6 - Building Height Flat Roof

Table 2.3.C – Required Dimensional Standards						
Residential Districts						
Standard		RR	NR	SR	CCR	MFR ⁵
Minimum Lot Size (in acres or square feet)	Water & Sewer System	1 acre	20,000 sf	12,000 sf	6,000 sf	2 acres ⁴
	Water & Septic Tanks	1 acre				
	Private Wells & Septic Tanks	1.25 acres				
Minimum Lot Width (in feet)		150	100	75	50	100
Minimum lot frontage (in feet)		150	100	75	35	100
Lot Coverage (as a percent of total area)		30%	30%	30%	50%	50%
Minimum Street Setback (in feet)		75	50	50	25	30
Side Setback (in feet)		20	15	10	10	15
Rear Setback (in feet)		40	40	40	20	20
Minimum Distance Between Buildings (in feet)		N/A	N/A	N/A	N/A	20
Minimum Open Space (as a percent of total area) ⁷		N/A	N/A	N/A	N/A	15%
Minimum Residential Floor Area (heated square footage)		1,500	1,300	1,050	850	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Maximum Building Height – Principal (in feet)		35	35	35	40	45

Maximum Building Height – Accessory (in feet)		15	15	15	15	15
Commercial, Office, and Institutional Zoning Districts						
Standard		OI		C1		C2
Minimum Lot Size (in acres or square feet)		20,000 sf		10,000 sf		10,000 sf
Minimum Lot Width (in feet)	Water & Sewer System	100		60		100
	Water & Septic Tanks	125		60		100
Minimum lot frontage (in feet)	Water & Sewer System	100		60		100
	Water & Septic Tanks	125		60		100
Lot Coverage (as a percent of total area)		70%		70%		70%
Minimum Street Setback (in feet)		50		50		50
Side Setback (in feet)		15		10		10
Rear Setback (in feet)		20		20		20
Minimum Distance Between Buildings (in feet)		20		20		20
Minimum Open Space (as a percent of total area) ⁷		N/A		N/A		N/A
Maximum Building Height – Principal (in feet)		45		35		35

Maximum Building Height – Accessory (in feet)	15	15	15
Industrial Zoning Districts			
Standard	LI	HI	
Minimum Lot Size (in acres or square feet) ¹	30,000 SF	1 acre	
Minimum Lot Width (in feet)	100	150	
Minimum lot frontage (in feet)	100	150	
Lot Coverage (as a percent of total area)	50%	50%	
Minimum Street Setback (in feet)	70	70	
Side Setback (in feet)	10	10	
Rear Setback (in feet)	20	40	
Minimum Distance Between Buildings (in feet)	20	20	
Minimum Open Space (as a percent of total area) ⁷	N/A	N/A	
Maximum Building Height – Principal (in feet)	75	75	
Maximum Building Height – Accessory (in feet)	60	60	
Mixed-Use Zoning Districts			
Standard	DT	MUS	MU
Minimum Lot Size (in acres or square feet)	N/A	3 acres ⁴	2 acres ⁴
Minimum Lot Width (in feet)	N/A	100	100
Minimum lot frontage (in feet)	N/A	100	100
Lot Coverage (as a percent of total area)	90%	90%	90%
Minimum Street Setback (in feet)	20	30	20
Side Setback (in feet)	0	15	15
Side Setback – with windows and door (in feet)	10	N/A	N/A
Rear Setback (in feet)	10	20	20
Minimum Open Space (as a percent of total area)	N/A	20%	10%

Minimum Residential Floor Area (heated square footage)	600 - studio 800 – 1 bedroom 1,000 - 2 bedroom 1,100 - 3 bedroom	600 - studio 800 – 1 bedroom 1,000 - 2 bedroom 1,100 - 3 bedroom	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Maximum Building Height – Principal (in feet)	45	45	45
Maximum Building Height – Accessory (in feet)	15	15	15
Legacy Zoning Districts			
Standard		MHR⁶	C3
Minimum Lot Size (in acres or square feet)		15 acres ⁴	10,000 sf
Minimum Lot Size – Per mobile home lot (in acres or square feet)	Water & Sewer System	5,000 sf	N/A
	Water & Septic Tanks	18,000 sf	N/A
Minimum Lot Width (in feet)		125	100
Minimum lot frontage (in feet)		125	100
Lot Coverage (as a percent of total area)		40%	70%
Minimum Street Setback (in feet)		60	70
Side Setback (in feet)		15	10
Rear Setback (in feet)		40	30
Minimum Distance Between Buildings (in feet)		20	20
Minimum Open Space (as a percent of total area)		20%	N/A
Minimum Residential Floor Area (heated square footage)		720	N/A
Maximum Building Height – Principal (in feet)		35	45
Maximum Building Height – Accessory (in feet)		15	15
1. Where a use standard conflicts with the lot standard, the use standard shall govern. 2. Setbacks and Lot Coverage may differ from the chart based on alternative overlay district standards.			

3. For lots where access is provided via an easement, the front setback shall be measured from the edge of the access easement in the same manner as a property line that fronts a public street.
4. The project area for developments within the MHR, MFR, MUS, and MU districts shall meet the minimum lot size, lot width, and lot frontage.
5. For a development containing townhomes within the MFR district, the maximum net density for the townhomes shall be 9 units per acre and the maximum unit width shall be 24 feet.
6. For the MHR district, the development must contain a minimum of 50 units.
7. All developments with a cumulative parcel area greater than three (3) acres, except for those in the DT, MHR, MUS, MU, and MFR zoning districts, shall provide open space in accordance with Section 4.3.3, Open Space Requirements.

2.4 District Conversions

- A. During the preparation of this new UDC, some zoning districts were retained; some districts were converted to new districts or combined with other districts; some districts were removed; and new districts were added.
- B. Table 2.4, City of Stockbridge Zoning District Conversion Chart provides the district conversions.
- C. On and after the Effective Date, all provisions of this UDC which are applicable to a zoning district shall govern properties that were previously classified in the corresponding zoning district. All references in any prior approvals or documents to the former district shall be construed to refer to the new zoning district name and designation. This renaming does not change any previously approved boundaries, conditions, or entitlements.

Table 2.4 – City of Stockbridge Zoning District Conversion Chart	
Previous Zoning District Designation	Zoning District Designation Under this Unified Development Code
Residential Zoning Districts	
RR, Rural Residential	RR, Rural Residential District
	NR, Neighborhood Residential District
SR, Suburban Residential	SR, Suburban Residential District
CCR, City Center Residential District	CCR, City Center Residential District
MFR, Multiple Family Residential	MFR, Multiple Family Residential District
MHR, Mobile Home Residential	RETIRED
Commercial, Office, and Institutional Zoning Districts	
OI, Office-Institutional	OI, Office-Institutional District
C1, Neighborhood Commercial	C1, Neighborhood Commercial District
C2, General Commercial	C2, General Commercial District
C3, Heavy Commercial	RETIRED
Industrial Zoning Districts	
LI, Light Industrial	LI, Light Industrial District

HI, Heavy Industrial	HI, Heavy Industrial District
Mixed-Use Districts	
DT, Downtown	DT, Downtown District
PUD, Planned Unit Development	PUD, Planned Unit Development District
	MUS, Mixed Use Suburban District
	MU, Mixed Use District

2.5 Zoning Districts

The following sections present those minimum dimensional standards that must be met in

R1—Single Family Residential District

the respective zoning districts, established in this UDC.

2.5.1 R1—Single Family Residential District

- A. **District Intent.** The intent of the R1 District is to preserve the larger-lot agricultural and residential character of land which presently serves as a transitional buffer between existing rural land and future urban development. This district supports homes on expansive lots in subdivision developments.
- B. **Dimensional Standards.** Table 2.5.1, R1 District Dimensional Standards states the minimum standards for the R1 zoning district.

Table 2.5.1 – R1 District Dimensional Standards

LOT DIMENSIONS	
Min. lot size (public water/sewer and/or septic)	1 acre
Min. lot size (private well and septic)	1.25 acres
Min. lot width (ft)	150
Min. lot frontage (ft)	150
SETBACKS (Ft)	
Street/Easement	75
Side	20
Rear	40
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,500
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

R2—Single Family Residential District

2.5.2 R2—Single Family Residential District

- A. **District Intent.** The intent of the R2 District is to provide for traditional single-family neighborhoods at low to moderate densities.
- B. **Dimensional Standards.** Table 2.5.2, R2 District Dimensional Standards states the minimum standards for the R2 zoning district.

Table 2.5.2 – R2 District Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	20,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	50
Side	15
Rear	40
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,300
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

R3—Single Family Residential District

2.5.3 R3—Single Family Residential District.

- A. **District Intent.** The intent of the R3 District is to provide compact residential housing types on moderate lots while maintaining the suburban character of existing neighborhoods. This district supports walkable block patterns.
- B. **Dimensional Standards.** Table 2.5.3, R3 District Dimensional Standards states the minimum standards for the R3 zoning district.

Table 2.5.3 – R3 Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	12,000
Min. lot width (ft)	75
Min. lot frontage (ft)	75
SETBACKS (Ft)	
Street/Easement	50

Side	10
Rear	40
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	30%
Min. residential floor area (heated sq. ft)	1,050
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

CCR—City Center Residential District

2.5.4 CCR—City Center Residential District

- A. **District Intent.** The intent of the City Center Residential (CCR) 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. This district supports planned residential development that contributes to a vibrant city center.
- B. **Dimensional Standards.** Table 2.5.4, City Center Residential District Dimensional Standards states the minimum standards for the CCR zoning district.

Table 2.5.4 – City Center Residential District (CCR) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	6,000
Min. lot width (ft)	50
Min. lot frontage (ft)	35
SETBACKS (Ft)	
Street/Easement	25
Side	10
Rear	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	50%
Min. residential floor area (heated sq. ft)	850
Max. building height (ft) for principal structures	40
Max. building height (ft) for accessory structures	15

MFR—Multiple Family Residential District

2.5.5 MFR—Multiple Family Residential District

- A. **District Intent.** The intent of the Multiple Family Residential (MFR) District is to allow the development of multiple family residences served by public water and sewer systems, located along collector streets or higher-classification roadways. This district supports urban scale residential development at an average density of fourteen (14) dwelling units per acre. The city should promote an average density of fourteen (14) dwelling units per acre or higher.
- B. Developments within this district shall provide the following:
1. Public water and sewer systems;
 2. Roads with curb and gutter;
 3. Eight (8) foot internal sidewalks, in accordance with Section 16.6, Sidewalk Construction Standards;
 4. Underground utilities;
 5. A ten (10) foot multi-use paths shall be required along the entire frontage of the development; and
 6. The development shall provide centralized garbage facilities for garbage and refuse collection for a certain number of units or percentage of units located within building throughout the development.
- C. **District Standards, Multi-Family.** Table 2.5.5.C, Multi-Family Standards states the minimum standards for apartment or condo developments within the MFR zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.5.5.C – Multi-Family Standards	
LOT DIMENSIONS	
Min. lot area for development	2 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	30
Side	15
Rear	20
Distance Between Buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	50%
Min. open space	15%
Max. unit width (townhomes)	24 ft.
Min. residential floor area (heated sq. ft)	650 (studio) 800 (1 bedroom) 950 (2 bedroom) 1,150 (3 bedroom)

Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

- D. Table 2.5.5.C, Townhome Standards states the minimum standards for townhome developments within the MFR zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.5.5.C – Townhome Standards	
LOT DIMENSIONS	
Min. lot area for development	2 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
Min. unit width (ft)	24
Max. net density (townhomes)	9 townhome dwelling units per acre, unless otherwise permitted as part of an approved mixed-use development or Planned Unit Development.
Max. number of lots	As specified in the approved development plan.
Max. units per building	6 dwelling units
SETBACKS (Ft)	
Street/Easement	30
Side	10
Rear	20
Distance Between Buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	50%
Min. open space	15%
Max. unit width (townhomes)	24 ft.
Min. residential floor area (heated sq. ft)	1,000 (1 bedroom) 1,300 (2 bedroom) 1,400 (3 bedroom) An additional 200 square feet for each additional bedroom
Townhome min. residential floor area (heated sq. ft.)	1,800
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15
Private Streets	Permitted.
Curb and Gutter	Required, except along approved alleys.
Paved Driveways	Required.

Sidewalks	Required.
Streetlights	Required in accordance with City standards.
Underground Utilities	Required.
Public Sewer	Required.
Public Water	Required.
Residential Parking Garage	Each townhome dwelling unit shall be provided with a minimum two (2) car garage.
Electric Vehicle (EV) Parking	One (1) EV-capable parking space shall be provided for every ten (10) parking spaces, not to exceed thirty (30) spaces.
Alleys	Permitted, but not required.
Porches	Permitted, but not required.
Concurrent Construction Requirement	As specified in the approved development plan.
Architectural Requirements	Shall comply with the Townhome Development Standards and Architectural Design Guidelines contained herein.
Multi-Use Paths	A 10 foot multi-use path shall be provided along the frontage of the development, with 8 foot interior multi-use paths or trails provided where required by the approved development plan.

DT—Downtown District

2.5.6 DT—Downtown District

- A. **District Intent.** The intent of the Downtown (DT) District is to maintain, enhance, and expand the development patterns and mixed use and open space character of Downtown Mainstreet. The district also supports 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 resources, community events/festivals, and compatible residential options, while still allowing flexibility for other uses to locate in the district.
- B. **District Standards.** Table 2.5.6, Downtown District Dimensional Standards states the minimum standards for the DT zoning district.

Table 2.5.6 – Downtown District (DT) Dimensional Standards

LOT DIMENSIONS	
Min. lot size (sq. ft.)	N/A
Min. lot width (ft)	N/A
Min. lot frontage (ft)	N/A
SETBACKS (Ft)	
Street/Easement	0
Side	0
Side (with windows and doors)	10
Rear	10

OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	90%
Min. residential floor area (heated sq. ft)	600 (studio) 800 (1 bedroom) 1,000 (2 bedroom) 1,100 (3 bedroom)
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

OI—Office Institutional District

2.5.7 OI—Office Institutional District

- A. **District Intent.** The intent of the Office Institutional (OI) district is to provide locations for the development of offices, banks, and personal business services which can serve as a transitional uses between residential and commercial areas. This district supports low-impact employment uses that complement surrounding neighborhoods.
- B. **District Standards.** Table 2.5.7, Office Institutional District Dimensional Standards states the minimum standards for the OI zoning district.

Table 2.5.7 – Office Institutional District (OI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	20,000
Min. lot width (ft) with public water/sewer	100
Min. lot width (ft) with public water and septic	125
Min. lot frontage (ft) with sewer	100
Min. lot frontage (ft) with septic	125
SETBACKS (Ft)	
Street/Easement	50
Side	15
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	70%
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

C1 – Neighborhood Commercial District.

2.5.8 C1—Neighborhood Commercial District

- A. **District Intent.** The intent of the Neighborhood Commercial (C1) District is to provide locations for limited retail and service uses to satisfy the common and frequent needs of nearby neighborhoods. This district supports cohesive neighborhood commercial centers with unified architecture and scale, to be accessed on minor arterial roadways.
- B. **District Standards.** Table 2.5.8, Neighborhood Commercial District Dimensional Standards states the minimum standards for the C1 zoning district.

Table 2.5.8 – Neighborhood Commercial District (C1) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000
Min. lot width (ft)	60
Min. lot frontage (ft)	60
SETBACKS (Ft)	
Street/Easement	50
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	70%
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

C2—General Commercial District

2.5.9 C2—General Commercial District

- A. **District Intent.** The intent of the General Commercial (C2) District is to provide locations for a wide variety of retail, service, and wholesale establishments to satisfy the common and frequent needs of residents across the county and of the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial centers, neighborhood or community shopping centers, and/or developed sections along minor arterials or high-classification roadways.
- B. **District Standards.** Table 2.5.9, General Commercial District Dimensional Standards states the minimum standards for the C2 zoning district.

Table 2.5.9 – General Commercial District (C2) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000

Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	50
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	70%
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

LI—Light Industrial District

2.5.10 LI—Light Industrial District

- A. **District Intent.** The intent of the Light Industrial (LI) District is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. This district supports light industrial uses located on either arterial or major collector roadways, or within industrial parks having access to such thoroughfares.
- B. **District Standards.** Table 2.5.10, Light Industrial District Dimensional Standards states the minimum standards for the LI zoning district.

Table 2.5.10 – Light Industrial District (LI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	30,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	20
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	50%
Max. building height (ft) for principal structures	75
Max. building height (ft) for accessory structures	60

HI—Heavy Industrial District

2.5.11 HI—Heavy Industrial District

- A. **District Intent.** The intent of the Heavy Industrial (HI) District is to provide for the broadest range of industrial activities, including uses that involve occasional nuisance factors. These uses are to be located on either an arterial or major collector roadway, or within industrial parks having access to such thoroughfares.
- B. **District Standards.** Table 2.5.11, Heavy Industrial District Dimensional Standards states the minimum standards for the HI zoning district.

Table 2.5.11 – Heavy Industrial District (HI) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size	1 acre
Min. lot width (ft)	150
Min. lot frontage (ft)	150
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	40
Min. distance between buildings	20
OTHER REQUIREMENTS	
Min. open space	15%
Max. lot coverage	50%
Max. building height (ft) for principal structures	75
Max. building height (ft) for accessory structures	60

A.

MU—Mixed Use District

2.5.12 MU—Mixed Use District

- A. **District Intent.** The intent of the Mixed Use (MU) District is to provide for mixed-use development within strategic growth areas. The district is intended to create compact, walkable, and interconnected mixed-use environments that support employment, commercial activity, housing diversity, entertainment, and regional economic development. The district supports a compatible blend of residential, commercial, office, civic, and limited service uses in a suburban context while promoting improved site design, multimodal connectivity, and reinvestment.
- B. Developments within this district shall provide the following:
1. Public water and sewer systems;

2. Roads with curb and gutter;
3. Eight (8) foot internal sidewalks, in accordance with Section 16.6, Sidewalk Construction Standards;
4. Underground utilities;
5. A ten (10) foot multi-use paths shall be required along the entire frontage of the development; and
6. The development shall provide centralized garbage facilities for garbage and refuse collection for a certain number of units or percentage of units located within building throughout the development.
7. Properties that are adjoining are required to have curb cuts to adjacent properties to create a connection between the two (2) properties. This requirement may be exempted by the Director upon a determination, supported by site-specific analysis, that interparcel connection is not feasible due to traffic concerns or topographic constraints.

C. **District Standards.** Table 2.5.12, Mixed Use District Standards states the minimum standards for the MU zoning district.

D. The project area for developments within the MU zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.5.12 – Mixed Use District (MU) Standards	
LOT DIMENSIONS	
Min. lot size for development	3 acres
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	30
Side	15
Rear	20
OTHER REQUIREMENTS	
Max. lot coverage	80%
Min. open space	20%
Min. residential floor area (heated sq. ft)	650 (studio) 800 (1 bedroom) 950 (2 bedroom) 1,150 (3 bedroom)
Townhome min. residential floor area (heated sq. ft.)	1,000 (1 bedroom) 1,300 (2 bedroom) 1,400 (3 bedroom) An additional 200 square feet for each additional bedroom

Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

2.6 Legacy Zoning Districts

- A. Legacy Zoning Districts represent those zoning districts that have been retired. The purpose of Legacy Zoning Districts is to retire outdated zoning districts as part of the adoption of this UDC, to simplify and modernize the City's zoning framework, and provide for the continued regulation of existing properties within these districts until such properties are rezoned to a zoning district established by this UDC.
- B. No application to rezone property to this district will be heard from the effective date of this UDC.
- C. All areas currently zoned under one of the following zoning districts shall abide by the regulations provided therein.

MHR – Mobile Home Residential District.

2.6.1 MHR – Mobile Home Residential District

- A. **District Intent.** The intent of the Mobile home Residential District is to accommodate mobile home developments as 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 Code.
- B. **District Standards.** Table 2.6.1, Mobile Home Residential District Standards states the minimum standards for the MHR zoning district.
- C. The project area for developments within the MHR zoning district shall meet the minimum lot size, lot width, and lot frontage.

Table 2.6.1 – Mobile Home Residential District (MHR) Standards	
LOT DIMENSIONS	
Min. lot size for development	15 acres
Min. lot size per mobile home lot with public water and sewer (sq. ft.)	5,000
Min. lot size per mobile home lot with public water and septic (sq. ft.)	18,000
Min. lot width (ft)	125
Min. lot frontage (ft)	125
SETBACKS (Ft)	
Front	60
Side	15
Rear	40
Min. distance between buildings	20

OTHER REQUIREMENTS	
Max. lot coverage	40%
Min. open space	20%
Min. residential floor area (heated sq. ft)	720
Min. number of units per development	50
Max. building height (ft) for principal structures	35
Max. building height (ft) for accessory structures	15

C3 – Heavy Commercial District

2.6.2 C3—Heavy Commercial District

- A. **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.
- B. **District Standards.** Table 2.6.2, Heavy Commercial District Dimensional Standards states the minimum standards for the C3 zoning district.

Table 2.6.2 – Heavy Commercial District (C3) Dimensional Standards	
LOT DIMENSIONS	
Min. lot size (sq. ft.)	10,000
Min. lot width (ft)	100
Min. lot frontage (ft)	100
SETBACKS (Ft)	
Street/Easement	70
Side	10
Rear	30
Min. distance between buildings	20
OTHER REQUIREMENTS	
Max. lot coverage	70%
Max. building height (ft) for principal structures	45
Max. building height (ft) for accessory structures	15

2.7 Special Purpose District

2.7.1 PUD—Planned Unit Development District

- A. **District Intent.** The intent of the Planned Unit Development (PUD) 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 to obtain developments resulting in harmonious groupings of uses, structures, and shared facilities;
 3. Allow flexibility in design for environmentally challenged properties, thereby supporting preservation of a property's natural characteristics; and
 4. Encourage innovations in quality residential and commercial development and renewal to better support the efficient use of land and meet local market needs.
- B. **Establishment of a PUD District.**
1. A PUD may be requested on any property or properties within the City that meet the minimum standards herein, and in accordance with the rezoning procedures of Chapter 10, Public Hearing Application, Review Procedures, to establish the boundaries and regulations of the PUD.
 2. No PUD district may be established without the concurrent approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by Mayor and City Council.

2.7.2 PUD—Minimum Standards

- A. PUDs shall demonstrate consistency with the Comprehensive Plan and the approved Overall Development Plan (ODP).
- B. A phasing plan shall be required for projects expected to take more than five (5) years to complete. Any variation to the phasing plan in timing or sequencing of uses shall be considered a Major Modification.
- C. Previously developed portions of a site may not be counted toward meeting any minimum open space, design, or benefit/amenity requirements.
- D. Proposed PUDs shall provide at least two (2) required characteristics from Section 2.7.3, PUD Required Characteristics.
- E. Any development standards not expressly defined by the ODP shall be regulated by the UDC and other applicable ordinances. Where the ODP conflicts with a base UDC standard, the approved ODP shall govern.
- F. Unless otherwise approved as part of the ODP, the following minimum standards apply:

1. Streets shall be a minimum of 26 feet, curb to curb, in accordance with Chapter 16, Infrastructure Improvements. All other access management provisions of Chapter 4, Development Standards shall be met.

2.7.2 PUD—Required Characteristics

- A. At a minimum, each PUD shall provide a combination of at least two (2) of the following characteristics that support the innovative nature of the request. Fulfillment of each required characteristic shall be at the discretion of the Community Development Director and shall remain in place for the life of the project or as necessary to carry out the intent:
 1. **New or unique concept or land use.** A project shall describe the extent that it is a new concept or land use, meaning there are no other developments within 2,000 feet like the proposed development and the project will demonstrate how the business/development concept will be successful in the City of Stockbridge.
 2. **Cluster Development.** A project designed utilizing a clustered development pattern intended to preserve open space, reduce infrastructure impacts, and encourage coordinated site design. To qualify under this characteristic, the project shall demonstrate how dwelling units or structures are grouped in a manner that preserves meaningful common open space or environmental features while maintaining overall development quality and compatibility. At a minimum, cluster developments shall include the following features:
 - a. Buildings or dwelling units shall be arranged to preserve usable open space, natural features, or environmentally sensitive areas;
 - b. A minimum of twenty percent (20%) of the gross site area shall be preserved as common open space, conservation area, or usable community space, excluding required perimeter buffers and stormwater detention facilities unless designed as an integrated amenity;
 - c. Common open spaces shall be connected through pedestrian pathways, trails, sidewalks, or other internal circulation systems;
 - d. The development shall utilize shared access points, reduced roadway lengths, shared driveways, or other design techniques intended to minimize impervious surface coverage and infrastructure demands where permitted by applicable engineering and public safety standards;
 - e. Open space areas shall include at least one community-oriented amenity, such as a pavilion, community garden, playground, seating area, walking trail, dog park, or similar feature approved by the Community Development Director; and
 - f. The project shall demonstrate compatibility with surrounding development patterns through coordinated architecture, landscaping, buffering, or transitional design elements.

3. **Tiny Home Development.** A project designed as a unified tiny home or cottage-style residential development that promotes innovative housing opportunities, efficient land utilization, and community-oriented site design. To qualify under this characteristic, the project shall demonstrate how the development incorporates high-quality design standards and shared amenities that support long-term residential livability and compatibility. At a minimum, tiny home developments shall include the following features:
 - a. Tiny homes shall be developed as part of a unified master-planned development and shall not consist of scattered individual lots lacking coordinated site design;
 - b. The development shall include shared common open space or community gathering areas designed to encourage resident interaction and neighborhood cohesion;
 - c. Tiny homes shall maintain consistent architectural character, building materials, roof forms, and design elements throughout the development;
 - d. Parking areas, refuse collection areas, utility connections, and mechanical equipment shall be screened from public streets and adjacent properties;
 - e. The development shall include pedestrian connections between dwelling units, parking areas, open spaces, and shared amenities;
 - f. Tiny home developments shall provide a minimum of ten percent (10%) of the gross site area as usable common open space or community amenity areas; and
 - g. The project shall demonstrate how the development supports attainable or workforce housing opportunities, innovative residential design, or diversification of the City's housing stock.
4. **Adaptive Reuse Project.** The project shall preserve a substantial portion of an existing structure of relative significance or architectural interest.
5. **Senior Housing.** A project designed to support aging in place, accessibility, and independent living for older adults through thoughtful building design, site planning, and amenities. To qualify under this characteristic, the project shall demonstrate how it incorporates age-friendly design features and services that enhance safety, mobility, and long-term usability. At a minimum, senior housing projects shall include the following features, as applicable to the proposed housing type:
 - a. A no-step entrance leading from the driveway to an entrance with a minimum 32-inch clear opening.
 - b. One accessible bathroom on the same level as the no-step entrance.

- c. At least one shower in the home with reinforced beams to allow for the installation of grab rails if necessary at a later date.
- d. Exterior doorways at least 36 inches wide and interior doors with a minimum 32-inch clear opening.
- e. Corridors and passageways 42 inches wide on the same level as the no-step entrance.
- f. Electrical wall outlets placed no more than 15 inches above finished flooring.
- g. Wall switches controlling light fixtures and fans placed 48 inches (maximum) above finished flooring.
- h. In addition to the above unit-level features, projects are encouraged to incorporate senior-supportive site or community elements, such as accessible pedestrian circulation, seating areas, lighting designed for safety, proximity to services, or shared amenities that promote social interaction and independence, as approved by the Community Development Director.

2.7.3 PUD—Overall Development Standards and Plans Required

- A. Development of the PUD shall be governed by the Overall Development Standards (ODS), part of the Overall Development Plan (ODP).
- B. **Overall Development Standards (ODS).** The ODS shall designate the standards of zoning and development for the property. These standards replace the standards in the UDC and should include, at a minimum, the following:
 - 1. Permitted and prohibited uses;
 - 2. Maximum density;
 - 3. Maximum impervious surface;
 - 4. Minimum open space;
 - 5. Minimum and maximum building heights;
 - 6. Minimum lot size;
 - 7. Required setbacks;
 - 8. Parking requirements; and
 - 9. Building massing.
- C. **Overall Development Plan (ODP).** The ODP will include a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:
 - 1. **Overall Master Plan.** A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all

proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, setbacks, under and over-head utilities, internal circulation and parking, landscaping, preliminary grading, lighting, drainage, amenities, and similar details and their respective measurements.

2. **Phasing Plan.** Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the time frame for construction and development of different aspects of the PUD.
 3. **Regulating Plan.** A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated, including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed right-of-way cross sections shall also be included in this plan or as an attachment to this plan.
 4. **Streetscape and Hardscape Manual.** A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art, etc., within the plan.
 5. **Architectural Pattern Book.** An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
 6. To the extent that an approved ODS and ODP for a PUD contradict the UDO, the approved ODS and ODP for the PUD district governs. All other chapters govern, unless specific alternatives are proposed and written into the ODS as part of the amendment application.
 7. Applications shall include any additional information deemed necessary by the Community Development Director to determine compliance with Ordinance standards.
- D. **Analysis of Existing Conditions.** An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included. The analysis should include all buffers and other applicable standards of federal and state law related to

maintenance and protection of wetlands and the banks of navigable waters of the federal and state governments.

E. Overall Plan or Standards Modifications.

1. **Minor Modifications.** The Community Development Director shall have the authority, in the administration of the PUD, to approve minor modifications of the Overall Development Plan or Overall Development Standards without a public hearing in a manner that is consistent with the purpose or intent of the overall development. Minor modifications are those changes 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.
 - a. Any request for a minor modification of the ODP or ODS shall be made in written form to the Director. Furthermore, the request for a minor modification shall be accompanied by copies of the revised ODP and ODS.
2. **Major Modifications.** Any major modification to the site plan, or to conditions that were attached to an approved Overall Development Plan or Overall Development Standards, shall require an application and public hearing before the Planning Commission and the City Council, in accordance with the rezoning procedures of Chapter 10, Public Hearing Application, Review Procedures. Without limiting the meaning of the phrase, the following are examples of what constitutes a "major modification" for purposes of interpreting this section:
 - a. 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;
 - b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
 - c. Any change in any buffer requirement(s) that were imposed in the original zoning amendment;
 - d. Any increase in the height of any building or structure; or
 - e. Any change in the proportion of floor space that is devoted to different authorized uses.

2.8 Overlay Districts

2.8.1 Generally

- A. These overlay districts are superimposed on portions of one (1) 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 UDC.** 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 UDC, the standards and requirements of the overlay district shall govern.
- C. **Applicability.** Overlay districts are supplemental to the underlying zoning district classifications established in the UDC 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 Director 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 development or activities, unless expressly stated herein:
 - 1. Any application submittals and previous approvals in accordance with Section 1.5, Transitional Provisions;
 - 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.
 - 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. The new construction shall be of a similar floor area, materials, architectural character, and design as the single-family dwellings on adjacent lots within the same subdivision.
 - a. Nonconforming standards in accordance with Chapter 7, Nonconforming Standards.

2.8.2 PMU—Parkway Mixed Use Overlay District

- A. **Purpose.** The purpose of the Parkway Mixed Use Overlay (PMU) 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 and sufficient parking in an unobtrusive manner.

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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.** These regulations of the PMU Overlay District pertain to all properties which have frontage on one (1) or more streets, as identified and designated on the City's Overlay District Map.
- C. **Permitted Uses.** Developments may contain a single use or a combination of uses arranged vertically within the same building or horizontally across multiple buildings and sites. Any use permitted within the underlying zoning district, including the MU and MUS districts, shall be permitted in the PMU Overlay District, subject to the standards of this Ordinance. Such uses or combination thereof, where listed as "Select Uses" shall be subject to the additional standards of this PMU Overlay District.
- D. **Select Uses.** The following uses shall be permitted within the PMU Overlay District only in accordance with the requirements of Section 2.8.2.D.2, Additional Requirements for Select Uses.
1. **List of Select Uses.**
 - a. Fueling stations;
 - b. Automotive service/repair/maintenance centers, minor;
 - c. Car washes;
 - d. Convenience stores.
 - e. Restaurants with drive-through (a.k.a. "drive-thru") facilities or windows; or
 - f. Other proposed select uses, to be determined acceptable by the Director.
 2. **Additional Requirements for Select Uses.**
 - a. A select use must be located on a property which has frontage on either a collector or an arterial road, as is classified by the Georgia Department of Transportation or the Henry County Department of Transportation.
 - b. Any existing nonconforming structures may not be enlarged or expanded.
 - c. Building facades for both primary and accessory structures must be constructed of brick, stone, or other approved masonry by the Director on all sides.
 - d. Fueling stations shall provide an equal number of electric charging stations as fuel pumps on the site, and covered canopies must be provided over all fuel pumps and electric charging stations.
 - e. Select uses shall provide an acceptable means of access and internal site circulation, to be determined acceptable by the Fire Marshal.

E. **Prohibited Uses.** The following uses shall be prohibited within the PMU Overlay District:

1. Adult entertainment establishments.
2. Ambulance service.
3. Automobile broker (no vehicle storage), except for stand-alone office uses.
4. Automobile rental and leasing facilities.
5. Automotive service repair and maintenance facilities, major.
6. Building and lumber supply establishments.
7. Day care centers.
8. Funeral home, mortuaries, and crematoriums.
9. Greenhouses and nurseries, including landscape service.
10. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers.
11. Retail warehouses/wholesalers providing sales of merchandise (with or without outdoor storage).
12. Rooming and boarding houses.
13. Self-service storage, mini-warehouses, or warehousing and storage.
14. Personal care homes.
15. Tattoo and piercing parlors.
16. Trade shops, including electrical plumbing, heating/cooling, and roofing siding.
17. Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.
18. Industrial uses, warehouses, and business distribution centers.
19. Tobacco, vape shops, and/or smoke shops.
20. Animal care facilities.

F. **Site Design Standards.**

1. The impervious surface area shall not exceed eighty-five percent (85%) of the lot area.
2. **Stormwater Features.** Bioretention planters, permeable paving, rain gardens, and other green infrastructure features are encouraged. Stormwater features shall be integrated into streetscape design wherever practical.
3. **Parking.**
 - a. Parking shall be located to the rear or side of buildings, where feasible.
 - b. 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.

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- c. The Director may approve a reduction of up to twenty-five percent (10%) 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.

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 requirement may be exempted by the Director upon a determination, supported by site-specific analysis, that interparcel connection is not feasible due to traffic concerns or topographic constraints.
- c. Intersection crosswalks shall be constructed or stained concrete or brick pavers. Concrete pavers shall be stamped and stained to give the appearance of brick.

5. Landscaping.

- a. A minimum tree canopy cover of at least thirty percent (30%) shall be provide for paved parking areas exceeding 4,000 square feet in new or redeveloped sites. The canopy percentages shall be calculated by including preserved and newly planted trees through delineation of polygon mapping for groupings and canopy projections for new plantings based on species specific data.
- b. All surface parking areas (of any size) abutting a public street (not including an alley) must be screened in accordance with Section 4.7.5, Landscape Strips.
- 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.
- d. Green fields and wooded areas should be left as they are, until they are developed into another use.
- e. 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. 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.

G. Streetscape Standards. The streetscape along major arterial or collector streets 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. The building frontage zone shall be provided between the edge of the pedestrian travel zone and the front façade of the adjacent building. The building frontage zone may be located within the public right-of-way as approved by the Director of Public Works or on private property.
2. Pedestrian travel zones shall be a minimum of ten (10) feet wide, measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works, 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. The fixtures/planting zone shall be provided between the back of curb and pedestrian travel zone and located within the public right-of-way or as approved by the Director of Public Works. Within the fixtures/planting zone:
 - a. Street trees planted in accordance with Section 13.8.4, Street Trees.
 - b. Benches shall be durable metal, wood, recycled composite, or similar high-quality material. Benches shall be anchored and coordinated in

style throughout the district. Benches shall be placed at a maximum distance of 500 feet from one another.

- c. Trash receptacles shall be placed at street intersections and at a maximum of 500 feet apart from one another.
- d. Bicycle racks shall be installed near primary building entrances. One bicycle rack space shall be provided for every twenty thousand (20,000) square feet of nonresidential floor area, with a minimum of two (2) spaces.
- e. Pedestrian-scale lighting shall be incorporated along all pedestrian paths and shall be placed a maximum of every 40 feet on center. The poles shall be smooth black with a cobra head and a maximum of 40 feet in height.

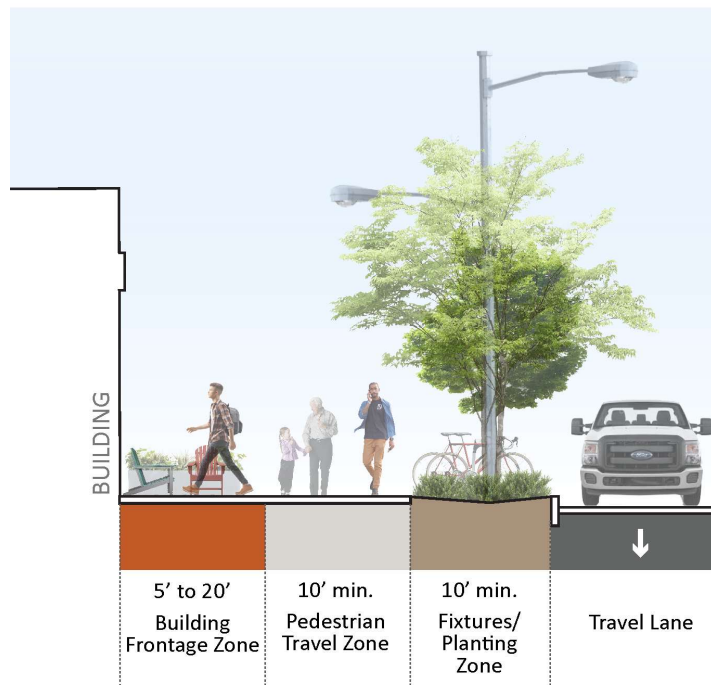


Figure 2.8.2.G - Streetscape Standards

H. Building Standards.

1. **Height.** The building shall be a minimum of two (2) stories and a maximum of twenty (20) stories. The first finished floor level shall be level with the sidewalk grade.
2. For parcels located in the Parkway Mixed-Use Overlay District, the ground floor area, at street level, shall be occupied by one of the following active uses listed under the categories identified below, as they relate to and are shown on Table 3.1.B – Land Uses.
 - a. Any use listed under LODGING;

-
- b. Any use listed under INSTITUTIONAL/PUBLIC;
 - c. Any use listed under MASS ASSEMBLY CENTERS & GROUNDS;
 - d. Any use listed under OFFICE;
 - e. Any use listed under RETAIL;
 - f. Any use listed under RESTAURANT & FOOD ESTABLISHMENTS;
 - g. Any use listed under SERVICES;
 - h. Exemptions.
 - i. Standalone single-family detached and single-family attached uses (duplex, triplex, and quadplex buildings) shall be exempt from the provisions of this section.
 - i. Development that is held in ownership by a government agency shall be exempt from the requirements of this section.
 - j. If a Medical Office, Specialist, or Clinic use is provided to meet this regulation, the floor area shall be in one or more of the following functions: lobby, waiting room, food service, or out-patient clinic.

3. Setbacks.

- a. 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.
4. Corner lots should be oriented to the corner and be used to create focal points at the four (4) corners of major street intersections.
5. 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.
6. 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 Director. These structures shall be:
- a. 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.
 - b. The color shall be compatible with the building façade.
 - c. The scale (height, length, depth and overall bulk) shall be compatible with the building storefront.
 - d. Columns to the structures are not permitted in the public right-of-way

7. Building Entrance.

- a. All first story uses shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from the sidewalk.

-
- b. 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.

I. **Architectural Requirements.** The following design guidelines and standards apply to all newly-constructed buildings used for nonresidential or residential purposes.

1. **Design Composition.**

- a. 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 for the PMU Overlay District. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors.
- b. For large commercial/retail, mixed-use, and multifamily buildings, variations in facade, roofline, and depth should be provided to lend the appearance of multitenant occupancy.
- c. Contrasting accent colors on any single facade shall be limited to no more than ten percent (10%) of the total wall area for any single façade.
- d. Permanent mounted exterior neon lights shall not be allowed.
- e. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.
- f. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted.
- g. Satellite dishes shall be located and painted to blend with the background as much as practical.
- h. All design and construction shall be subject to architectural review by the Director to ensure adherence with the requirements and intent of this Section.

2. **Exterior Finish Materials.** Table 2.8.2.I.2, PMU Allowed Building Materials below and the provisions of this Section outline the allowed building materials that may be used, in combination, to create a consistent, attractive, interesting, and long-lasting building design:

Table 2.8.2.I.2 – PMU Allowed Building Materials	
Building Material	Requirement
Brick ¹ or Stone ²	Minimum fifty percent (50%) per façade
Glass	Permitted
Tilt/Pre-Cast	Prohibited
Stucco	Maximum fifty percent (50%) per façade
Concrete Blocks	Prohibited

CMU/Split-Face Block	Maximum ten percent (10%) per façade
Natural Wood and/or Cementitious Fiberboard	Prohibited ³
Metal	Prohibited
Tile	Prohibited
Notes: 1. Brick veneer walls shall use full-depth brick. 2. 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 shall be prohibited. 3. Allowed for stand-alone residential buildings, provided such buildings have a minimum 4:12 roof pitch.	

2.8.3 DTV—Downtown Village Overlay District

A. **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.

B. **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 City's Overlay District Map.
3. The requirements of this DTV Overlay 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.

C. **Permitted Uses.** All permitted uses as provided within the Downtown District (DT) are permitted uses in the DTV Overlay District.

D. **Special Uses.** All special uses as provided in the Downtown (DT) District are special uses in the DTV Overlay District.

E. **Prohibited Uses.** The following uses are prohibited in the DTV 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. Fueling stations.
 8. Payday loan, title loans, money cash exchanges.
 9. Public and private schools and related facilities.
 10. Restaurants with drive-through facilities (a.k.a. "drive-thru") and/or windows.
 11. Tobacco, vape shops, and/or smoke shops.
 12. Tattoo and piercing studios.
 13. Extended stay lodging.

F. **Temporary Uses.** The following temporary uses are required to seek special event approval from the Director within the DTV 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 mobile vendors.
3. Outdoor recreational and/or educational opportunities.
4. Sidewalk sales.

G. **Required Ground Floor, Street Level Active Uses.**

1. For parcels located in the Downtown Village Overlay District, the ground floor area, at street level, shall be occupied by one of the following active uses listed under the categories identified below, as they relate to and are shown on Table 3.1.B – Land Uses.
2. Any use listed under LODGING;
3. Any use listed under INSTITUTIONAL/PUBLIC;
4. Any use listed under MASS ASSEMBLY CENTERS & GROUNDS;
5. Any use listed under OFFICE;
6. Any use listed under RETAIL;
7. Any use listed under RESTAURANT & FOOD ESTABLISHMENTS;
8. Any use listed under SERVICES;
9. Exemptions.
 - a. Standalone single-family detached and single-family attached uses (duplex, triplex, and quadplex buildings) shall be exempt from the provisions of this section.

-
- b. Development that is held in ownership by a government agency shall be exempt from the requirements of this section.

- 10. If a Medical Office, Specialist, or Clinic use is provided to meet this regulation, the floor area shall be in one or more of the following functions: lobby, waiting room, food service, or out-patient clinic.

H. Site Design Standards.

- 1. There shall be no outdoor storage of either materials or products.
- 2. Roadways shall be designed utilizing curb and gutter, in accordance with Chapter 16, Infrastructure Improvements.
- 3. **Utilities.**
 - a. Utilities shall be located underground. Utility boxes, transformers, and mechanical equipment visible from public streets shall be screened with landscaping or architectural treatments.
 - 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. **Stormwater Features.** Bioretention planters, permeable paving, rain gardens, and other green infrastructure features are encouraged. Stormwater features shall be integrated into streetscape design wherever practical.
- 5. **Landscaping.**
 - a. Landscape beds shall incorporate drought-tolerant and native plant materials whenever feasible. Landscaping shall not obstruct pedestrian visibility or traffic sight triangles. Artificial turf shall be prohibited within required streetscape planting areas.
- 6. **Lighting Standards.**
 - a. **Pedestrian-Scale Lighting Required.** Decorative pedestrian-scale lighting shall be provided along sidewalks, plazas, and pedestrian gathering areas. Fixtures shall generally be between twelve (12) and sixteen (16) feet in height.
 - b. **Design.** Lighting fixtures shall maintain a coordinated downtown character. Cobra-head highway style fixtures shall be prohibited unless required by a state or federal agency.
 - c. **Illumination.** Lighting shall be designed to improve public safety while minimizing glare and light trespass. Full cut-off fixtures are encouraged.

-
- d. **Accent Lighting.** Architectural lighting, façade lighting, and landscape uplighting may be permitted where designed to complement downtown character.

7. Crosswalks and Pedestrian Connectivity.

- a. **Connectivity.** Development shall provide direct pedestrian connections between buildings, parking areas, sidewalks, trails, and adjacent properties. Gated pedestrian barriers between compatible adjoining developments shall be prohibited unless required for public safety.
- b. **Mid-Block Connections.** Large developments or superblocks may be required to provide mid-block pedestrian passages where determined necessary by the City.
- c. Intersection crosswalks shall be constructed or stained concrete or brick pavers. Concrete pavers shall be stamped and stained to give the appearance of brick.

8. Outdoor Dining

- a. Outdoor dining shall be permitted within the overlay district subject to applicable encroachment permits and public safety requirements.
- b. Restaurant tables and chairs are permitted in the front setback but shall not be positioned so that their use blocks pedestrian flow. Within two (2) hours of the posted closing time, such tables and chairs shall be removed and stored inside the primary or accessory building.
- c. Outdoor seating areas shall utilize durable and coordinated furnishings, and include decorative landscaping or screening where appropriate.
- d. Public plazas, courtyards, pocket parks, and greenspace areas are encouraged.
- e. Outdoor dining or retail display areas shall maintain a minimum five (5) foot accessible pedestrian path at all times.

9. Parking.

- a. On-street parking, either angled or parallel, may be provided along all public streets, unless otherwise determined by the Mayor and City Council.
- b. The Director may reduce the parking requirement by twenty-five percent (10%).
- c. Off-street parking facilities shall be illuminated with downcast lighting using energy-efficient bulbs.

- I. **Streetscape Standards.** The purpose of streetscape standards is to: establish a safe, comfortable, and attractive pedestrian-oriented public realm; promote walkability; encourage coordinated downtown design and branding; improve connectivity between

commercial, civic, residential, and public gathering areas; support economic development through vibrant and visually cohesive downtown environment; and promote accessibility for persons of all ages and abilities. The streetscape along the major highways shall be divided into two distinct zones consisting of a pedestrian travel zone and fixtures/planting zone. The widths of each zone shall be as provided below:

1. Pedestrian travel zones along principal downtown streets shall have a minimum unobstructed pedestrian travel zone of ten (10) feet wide. Pedestrian travel zones along secondary streets shall have a minimum unobstructed pedestrian clear zone of eight (8) feet. The required width shall be measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works.
 - a. Pedestrian travel zones shall consist of poured concrete, decorative concrete, brick pavers, or other durable materials approved by the City. Asphalt sidewalks shall be prohibited except for temporary installations approved by the City.
 - b. Pedestrian travel zones shall be kept clear and unobstructed for the safe and convenient use of pedestrians.
2. A fixtures and planting zone shall be provided between the back of curb and pedestrian travel zone whenever feasible and located within the public right-of-way or as approved by the Director of Public Works. Developments shall provide street trees planted in accordance with Section 13.8.4, Street Trees within the fixtures and planting zone and shall provide at least two (2) additional elements:
 - a. Benches shall be durable metal, wood, recycled composite, or similar high-quality material. Benches shall be anchored and coordinated in style throughout the district. Benches shall be placed at a maximum distance of 500 feet from one another.
 - b. Trash receptacles shall be placed at street intersections and at a maximum of 500 feet apart from one another.
 - c. Bicycle racks shall be installed near primary building entrances. One bicycle rack space shall be provided for every twenty thousand (20,000) square feet of nonresidential floor area, with a minimum of two (2) spaces.
 - d. Public art;
 - e. Pedestrian-scale lighting shall be incorporated along all pedestrian paths and shall be placed a maximum of every 40 feet on center. The poles shall be smooth black with a cobra head and a maximum of 40 feet in height.
 - f. Public gathering elements;
 - g. Decorative planters;

- h. Outdoor dining enhancements;
- i. Utility fixtures;
- j. Wayfinding signage; or
- k. Water features.

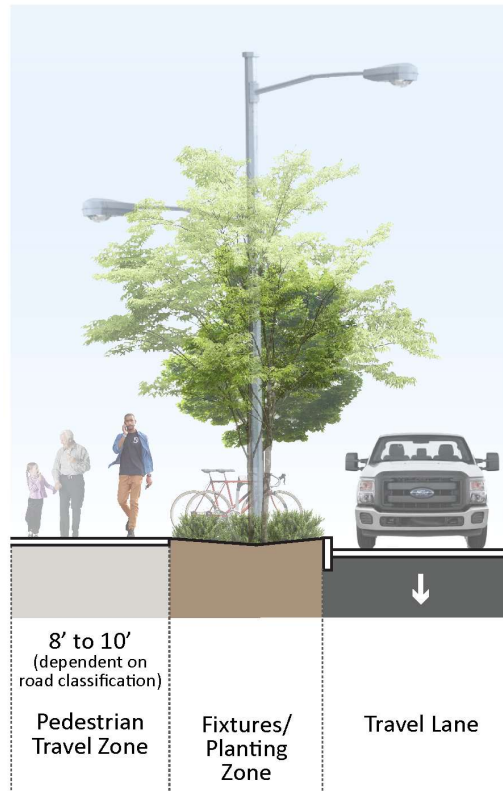


Figure 2.8.3.1 - Streetscape Standards

J. Building Standards.

1. Height.

- a. The maximum building height shall be four (4) stories or 55 feet with the first finished floor level being level with sidewalk grade. A height variance may be applied for in accordance with Chapter 10, Variances and Appeals.
- b. The minimum building height location at an intersection shall be three (3) stories or 45 feet with the first floor level being level with sidewalk grade.

2. Setbacks.

- a. **Front Yard Setback.** The front yard setback shall be a minimum of 0 feet from the curb and may be increased to 20 feet if additional space is

landscaped as a garden or outdoor seating or dining area. Entries may be recessed up to 25 feet.

- b. **Side Yard Setback (each side).** The side yard setback may be zero (0) feet if attached to or abutting an adjacent building. Where not attached or abutting, the side yard building setback shall be a minimum of ten (10) feet, but not more than 20 feet in width.
- c. **Rear Yard Setback.** The rear yard setback shall be a minimum of 25 feet. If located within the historic downtown, the rear yard setback shall be a minimum of 55 feet.

K. **Architectural Requirements.** 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. **Design Composition.**

- a. **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.
- b. **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.
- c. **Transparency.** For a mixed-use building that has a nonresidential ground floor use, the minimum transparency shall be seventy (70%) percent of the total surface area of a façade facing any street. Alleys shall be exempt from the requirement. To calculate the minimum transparency percentage, divide the total transparent glass area by the total surface area of the facade then multiply by 100.
- d. **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.

2. **Exterior Finish Materials.**

- a. Table 2.8.3.K.2, DTV Allowed Building Materials below and the provisions of this Section outline the allowed building materials that may be used.

- b. **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.

Table 2.8.3.K.2 – DTV Allowed Building Materials	
Building Material	Requirement
Brick ¹	Minimum 100% on three (3) sides
Brick ¹ , Stone ² , or Stucco	Minimum 50% on the front façade
Decorative Glass	Permitted
Decorative Block ³	Permitted
Architectural Concrete ³	Permitted
Pre-Cast Concrete Units ³	Permitted
Vinyl	Permitted in the eaves, soffits, and gables
Metal	Permitted in the eaves, soffits, and gables
Fiber Board Siding	Permitted in the eaves, soffits, and gables
Notes: 1. Brick veneers that are intended to simulate brick exteriors are not acceptable. 2. 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 shall be prohibited. 3. Provided that surfaces are molded, serrated, or treated with a textured material in order to give the front side a three-dimensional character.	

CHAPTER 3: USE REGULATIONS

3.1 Use of Land

- A. All uses of land in the City of Stockbridge shall adhere to the Land Use Table as provided in this Chapter. The table shall be interpreted as follows:
1. The letter “P” shall mean the subject use is permitted in the indicated zoning district.
 2. The letter “S” shall mean the subject use is permitted in the indicated zoning district following the issuance of a special use permit in accordance with Section 10.2.5, Requirements for Special Use Permits.
 3. The letter “A” shall mean the subject use is permitted in the indicated zoning district as an accessory land use.
 4. The letter “A/S” shall mean the subject use is permitted in the indicated zoning district as an accessory land use and with the issuance of a special use permit in accordance with Section 10.2.5, Requirements for Special Use Permits.

5. A blank box shall mean the subject land use is prohibited in the indicated zoning district.
6. The “See Section” column is provided for situations in which use-specific regulations apply to the subject land use.

B. Land Use Table:

Table 3.1.B – Land Uses.													
Land Use	Zoning District												See Section
	R1	R2	R3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Commercial Greenhouses and Plant Nurseries, including landscaping services	S									P	P	P	3.2.11
Keeping or raising of livestock	S												3.2.24
Livestock processing and feedlots	S										S	P	3.2.25
Riding academies or stables	P									P	P		3.2.4
Roadside produce stands	S												3.2.32
Accessory dwelling unit (guesthouse, in-law suite, apartment over garage)	A	A	A	A									3.2.2
Duplex, Triplex, quadplex				P	P		S	P					
Home occupation	A	A	A	A	A		A	A					3.2.22
Live-work unit					P		P	P					
Manufactured home	P	P											
Industrialized home	P	P	P	P									
Multi-family apartments and condos					P		P	P					
Single-family residences (detached)	P	P	P	P			P	P					
Townhouse (fee-simple only)				P	P			P					

Table 3.1.B – Land Uses.

[illegible]

Table 3.1.B – Land Uses.

Land Use	Zoning District												See Section
	R1	R2	R3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Golf courses and driving ranges	S	S	P		P								3.2.21
Municipal or county buildings	P	P	P	P	P	P	P	P	P	P	P	P	
Library or museum						P	P	P	S	S			
Public Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	
Amphitheaters, theaters with live performance, assembly or concert halls, or similar								P	P	S	S	S	3.2.30
Athletic fields	S		S			P	S	S	P	P	S	S	3.2.30
Firing ranges										S	S	S	3.2.30
Convention centers							S	S		S	S	S	3.2.30
Civic centers							S	S		S	S	S	3.2.30
Fairgrounds										S	S	S	3.2.30
Clubs, lodges and event facilities						P	S	S		P	S	S	3.2.30
Indoor recreation (bowling alleys, movie theaters and other activities conducted wholly indoors)									P	P	S	S	3.2.30
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)							S	S		S	S	S	3.2.30
Places of worship	P	P	P	P	P	P	P	P	P	P	P	P	3.2.30
Rodeos										S	S	S	3.2.30

Table 3.1.B – Land Uses.

Land Use	Zoning District												See Section
	R1	R2	R3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Colleges, universities, research and training facilities	P					P			P	P	P	P	
Public kindergarten, elementary, middle and high schools	P	P	P	P	P	P	P	P	P	P	P	P	3.2.34
Private kindergarten, elementary, middle and high schools	S					P			P	P			3.2.34
Private commercial/vocational schools (including martial arts, dance studios, and other traditional technical or vocational training)						P	S	S	P	P	P	P	
Automobile brokerage (no vehicle storage)										P			
Automobile service, major repair											P	P	Title 9
Automobile service, minor repair										P	P		Title 9
Automobile sales and truck sales											S		Title 9
Automobile rental and leasing facilities										P	P		
Automobile wash and wax centers										P			
Commercial Drone Delivery Hub										S	S	S	3.2.14
Fueling stations										S			3.2.19
Recreational vehicle/boat sales and service										S			
Tire shops										S			Title 9

Table 3.1.B – Land Uses.

Land Use	Zoning District												See Section
	R1	R2	R3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Contractor's establishment (with material and equipment storage)									S	P	P	P	
General business or administrative office, (without storage)						P	P	P	P	P	P	P	
General						A	P	P	P	P			
Art gallery						P	P	P	P	P			
Farmer's market							P	P	S	S	P	P	
Grocery stores							P	P	P	P			
Hardware store or other building materials store									P	P			
Liquor or package store									P	P			Title 9
Pawn shops and second-hand stores, including apparel, music, movies, gaming, and books										P			Title 9
Pharmacy or drug store						P	P	P	P	P			
Small box discount stores									S	P			3.2.37
Tattoo shops										P			Title 9
Used appliance shops										P			Title 9
Vape shops, hookah sales										P			Title 9
Accessory cafe or eatery within a building						A	A	A	A	A	A	A	
Brewpub, beer growler, brewery							P	P	P	P			
Bakery, confectionary, and cafe uses							P	P	P	P			

Table 3.1.B – Land Uses.

Land Use	Zoning District												See Section
	R1	R2	R3	CCR	MFR	OI	DT	MU	C1	C2	LI	HI	
Catering establishments									P	P			
Cigar bars, hookah lounges										P			
Restaurants (non-drive-thru)						P	P	P	P	P			
Restaurants with a drive-thru configuration									P	P			
Specialty food stores (e.g., coffee, ice cream)						P	P	P	P	P			
Ambulance, taxi or limousine service, dispatch, and storage											P	P	
Bus or rail stations or terminals for passengers												P	
Airstrips, airports, and heliports											S	S	3.2.5
Parking, commercial lot											P	P	
Parking, commercial garage						A	A	A	A	A	P	P	
Parking, Truck lots (as distinguished from truck terminals and similar uses)											P	P	
Adult and child day care	S		S	S	S	P			P	P			3.2.3
Kennels	S									P	P		3.2.4
Veterinary clinics	S									P	P		3.2.4
Banks, credit unions or other similar financial institutions							P		P	P			

Table 3.1.B – Land Uses.

[illegible]

Table 3.1.B – Land Uses.

[illegible]

Table 3.1.B – Land Uses.

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Table 3.1.B – Land Uses.

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Table 3.1.B – Land Uses.

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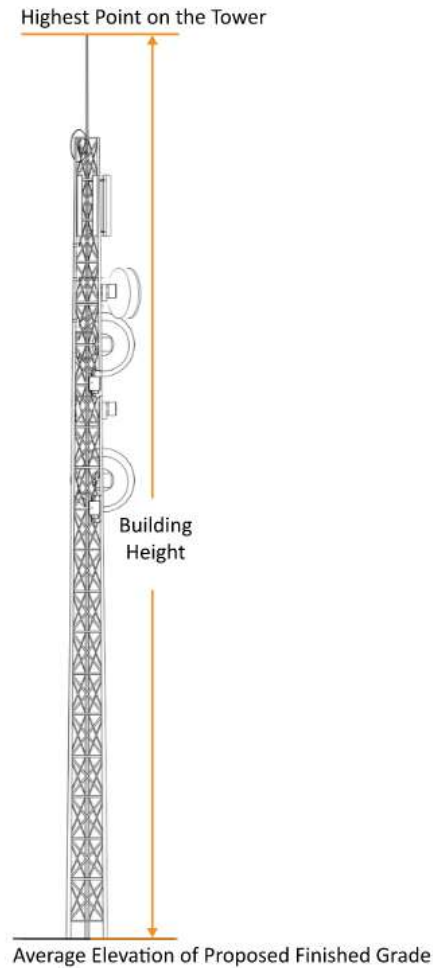


Figure 3.1.B - Tower with Antenna Height.

3.2 Supplemental Use Regulations

3.2.1 Accessory Structures

- A. Accessory structures shall generally be compatible with the surrounding neighborhood and consistent with the character and intent of the zoning district in which they are located.
- B. Walls and fences shall not be considered accessory structures.
- C. Accessory structures shall be located on the same lot as, and subordinate to, the principal use or structure.
- D. Standards for specific accessory structures are set forth below. All accessory structures shall comply with the standards that are set forth below:
 - 1. Accessory structures shall be located within a side or rear yard unless otherwise provided below. In the RR zoning district, accessory structures may be located

within the front yard if the land area of the subject lot is greater than or equal to three (3) acres and not part of a platted subdivision.

2. Accessory structures shall not be erected prior to construction of the principal structure, except for agricultural storage buildings located on lots in the RR zoning district if the land area of the subject lot is greater than or equal to three (3) acres.
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, easements, or stormwater management areas.
5. Accessory structures 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 following requirements.

Development Feature	Standard
Setbacks:	
From side and rear property lines	10 feet
For corner lots	Front setback for district applies to both frontages
Maximum height:	
Agricultural support structures, barns, and silos	None
Airplane hangars, regardless of zoning designation	35 feet
Separation from principal building:	10 feet
Maximum floor area:	
On parcels equal to or greater than three (3) acres and located in the RR zoning district	No greater than the heated floor area of the subject principal building
On parcels less than three (3) acres and located in the RR zoning district	No greater than 50% of the heated floor area of the subject principal building
All other zoning Districts	No greater than 50% of the heated floor area of the subject principal building

3.2.2 Accessory Dwelling Units

- A. **Lot Requirements.** Accessory dwellings units may be located on lots meeting the following minimum standards:
 - 1. The lot shall comply with the minimum lot area requirements of the applicable zoning district.
 - 2. Lots served by county sewer shall be a minimum size of 18,000 square feet.
 - 3. Lots utilizing an on-site sewage management system shall be a minimum size of 30,000 square feet.
- B. **Quantity.** No more than one (1) accessory dwelling unit shall be established on a residential lot.
- C. **Parking.** A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling unit.
- D. All accessory dwellings units shall comply with all applicable building, fire, and health UDC requirements.
- E. All attached accessory dwellings units shall meet the following standards:
 - 1. **Location of entrances.** Only one (1) entrance may be located on the façade of the principal dwelling facing the street, unless the principal dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances serving balconies or decks.
 - 2. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit shall not be located on the front of the principal dwelling and shall be located a minimum of five (5) feet from the front building façade.
- F. Freestanding or detached accessory dwellings units shall meet the following standards:
 - 1. Accessory dwelling units are considered an accessory structure if detached from the principal building and shall comply with all accessory structure regulations found in Section 3.2.1, Accessory Structures.

3.2.3 Adult and Child Day Care Facilities

- A. All facilities shall comply with applicable State regulations and shall obtain and maintain all required State licenses and approvals.
- B. Facilities shall be located on lots containing a minimum of one (1) acre.
- C. All facilities must obtain a business license with the city and provide proof of State licensure to the City prior to business licensing.
- D. 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:

1. Facilities shall have access to a roadway classified as a collector or higher in the adopted thoroughfare plan.
2. No day care home shall be located within 1,500 feet of another day care facility.

3.2.4 Animal Care Facilities

A. Design standards for specific animal care facility uses are listed in the table below, to include the following use types:

1. Animal Hospitals.
2. Veterinary Clinics.
3. Kennels.
4. Stables.

Animal Care Facility: Animal Hospital or Veterinary Clinic (located in a freestanding building)	
Development Feature	Standard
Animals allowed	Domestic pets, farm animals, and livestock; wild animals are prohibited
Minimum building separation from parcels zoned or developed residentially	50 feet
Building design	Consistent with the design, materials, and color of buildings in the surrounding area
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Animal boarding	Soundproofing required
Animal Care Facility: Animal Hospital or Veterinary Clinic (located in a multi-tenant building)	
Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum building separation from parcels zoned or developed residentially	50 feet
Building design	Soundproofing required and odor-proofing required
Animal boarding	Prohibited
Animal Care Facility: Commercial Kennel	

Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum land area	Two (2) acres in the RR zoning district; one (1) acre in all other zoning districts
Minimum building separation from parcels zoned or developed residentially	50 feet
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Animal boarding	Soundproofing required
Animal Care Facility: Noncommercial Kennel	
Development Feature	Standard
Animals allowed	Up to ten adult domestic pets, only; farm animals, livestock, and wild animals are prohibited
Minimum land area	Three (3) acres
Limitations on zoning districts	Allowed only in the RR zoning district
Minimum building separation from parcels zoned or developed residentially	50 feet
Animal Care Facility: Stables (to include riding academies, barns, and other facilities for farm animals and livestock)	
Development Feature	Standard
Animals allowed	Farm animals and livestock
Minimum land area	Three (3) acres
Minimum building separation from parcels zoned or developed residentially	50 feet
Minimum setback from parcels zoned or developed residentially for outdoor tracks and exercise yards	100 feet
Outdoor tracks and exercise yards	Odor control required; pest control required
Fences	The parcel (three or more acres) shall be fenced. The outdoor track and each exercise yard shall be separately fenced.

3.2.5 Airstrips, Airports, and Heliports

- A. Airstrips, airports, and heliports shall comply with the following regulations:
 - 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, to screen sight or sound of activities from adjacent and nearby residential neighborhoods. The buffer shall be a minimum of 100 feet in width and shall meet all requirements of Chapter 13, Buffers, Landscaping, and Tree Protection.
 - 3. The landing strip/runway shall not be paved. The use of permeable or pervious pavement materials shall be allowed.
 - 4. All 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 special 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 special 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 special use.
 - 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 Alternative Energy Production (other than solar energy systems)

- A. Ground mounted structures and components, including transformers and foundations, shall be considered impervious.
- B. Lighting fixtures at facilities shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way. Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.
- C. **Buffers and Screening.** All facilities shall be screened to create a visual buffer from neighboring parcels and rights-of-way. Buffers shall be undisturbed (natural) but may include fences and earthen berms, or other encroachment, where specified by this UDC.

The existing natural tree growth and natural landforms along the facility perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

- D. **Decommissioning.** Decommissioning of a facility shall begin no later than 12 months after a facility has ceased to generate electricity or thermal energy. Within six (6) months of the beginning of decommissioning, the facility 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 facility or to some other condition reasonably appropriate for the designated land use.
- E. All buildings and structures shall maintain setbacks of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.
- F. Any facility shall be located no closer than 50 feet to any abutting parcels zoned or used residentially.
- G. Any large-scale facility building or structure shall be located no closer than 100 feet to any abutting parcels zoned or used residentially.
- H. Facilities shall display advisory signage to include the following information, at minimum:
 - 1. A statement about the risks that may result from physical contact with, or entry into, the subject facility;
 - 2. The owner or operator of the subject facility; and
 - 3. A twenty-four-hour emergency contact phone number.

3.2.7 Bed and Breakfast Facility

- A. The subject building must be a minimum of ten (10) years old before a bed and breakfast facility may be established. The individual or family operating the facility must occupy the house as their primary residence.
- B. The owner or operator of a bed and breakfast facility may reside in an accessory dwelling unit on the subject property so long as said accessory dwelling unit predates the bed and breakfast building.
- C. A bed and breakfast may be staffed by individuals that do not reside in the subject building.
- D. Bed and breakfast facilities may be temporarily used for luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation, so long as the occupant count does not exceed 100 persons, provided the subject building has been approved to support that capacity, pursuant to applicable life safety requirements.
- E. Vehicular drop-off and pick-up areas that directly face and/or abut residential property shall be screened from said abutting property by an opaque vegetation that achieves a uniform height of six (6) feet no greater than three (3) years after the date of planting.

- F. No separate kitchen facilities shall be allowed. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
- G. The site design standards set forth in the table below are required for all bed and breakfast facilities.

Development Feature	Standard
Maximum number of bed and breakfast guest units	6
Minimum heated floor area of subject building	3,500 square feet
Maximum floor area which the bed and breakfast use may occupy within the primary structure, in relation to the homeowner's area	75 percent
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property

H. Permits and Licensing.

1. Special use permits for bed and breakfast facilities shall not be transferable to any future owner of the subject property nor to any other person or entity. Upon transfer of ownership of the subject property, the special use permit shall expire.
2. All bed and breakfast owners and operators must apply for a business license permit and must maintain a valid business license. Renewals must be submitted annually before the operational permit expires. Business licenses are not transferable.

3.2.8 Built-to-Rent Single-Family Developments

- A. Build-to-Rent (BTR) means a residential development consisting of single-family dwellings in which more than ten percent (10%) of the units are constructed for the primary purpose of being leased rather than sold, typically under single ownership or management.
- B. BTR communities shall only be permitted in zoning districts expressly identified in the UDC and shall be considered a special use as specified therein.
- C. There shall be no exterior evidence that dwelling is build-to-rent.
- D. Parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas consistent with the provisions of this title. There shall be no parking on the street, on neighboring properties, in the yard, or in the right-of-way. Required parking shall be accommodated within driveways, garages, or other residential structures such as carports. Surface parking lots may only be used for guest parking that exceeds the minimum number of spaces required per unit.
- E. The property owner or responsible property manager shall, at all times, maintain their contact information posted in a conspicuous location near the primary entrance to the home. Such contact information shall also be allowed to be posted in a conspicuous location at a centralized management office, community entrance, or other common location provided such posting clearly identifies all applicable units for which the information serves.
- F. Developments with more than 15 BTR units shall be required to maintain an on-site property management office or staff presence to respond to resident concerns and ensure compliance with maintenance standards, to operate at minimum during regular business hours (Monday through Friday, 9:00 AM to 5:00 PM).
- G. All BTR units shall comply with the City's architectural and site design requirements applicable to the underlying zoning district.
- H. Only one (1) build-to-rent unit shall be permitted per lot, as a permitted principal structure. No accessory structure shall be considered a build-to-rent unit.
- I. All BTR units shall comply with applicable building, fire, and life safety UDCs and shall be subject to inspection.
- J. All BTR Developments shall be registered with the City through a formal licensing process. This process shall include, but is not limited to, the following:
 - 1. The property owner or operator shall submit an application form provided by the City, which shall include the address listings of all BTR units, owner contact information, responsible property manager (if applicable), and proof of ownership or leasehold interest. If the owner or operator is a corporate or limited liability entity, the application shall also identify a registered agent residing in Henry County and affiliated with the company to receive official correspondence and notices of violation.

2. BTR licenses shall be valid for a period of twelve (12) months from the date of issuance. License holders must submit a renewal application prior to expiration, along with any updated contact or operational information.
 3. A non-refundable application and renewal fee shall be paid at the time of submission, as established by the City's adopted fee schedule.
 4. BTR licenses are non-transferable and may not be reassigned to a new owner or operator without reapplication and approval.
 5. Failure to comply with applicable regulations, including but not limited to occupancy, safety, noise, or parking provisions, may result in the suspension or revocation of the BTR license.
- K. All BTR Developments shall be required to obtain and maintain a valid business license in accordance with the City's occupational tax regulations. This requirement is in addition to the BTR license and shall be renewed annually.
- L. All signage associated with Build-to-Rent developments shall comply with the standards for residential land uses established in Chapter 6, Sign Standards, including but not limited to permitted monument, directional, informational, and temporary signage.

3.2.9 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.

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 any parcels zoned or used residentially	50 feet
Minimum road frontage	100 feet

D. Location Requirements.

1. No cemetery shall erect any structures nor conduct any activities within 75 feet of any one-hundred-year floodplain, wetland, or state water.
2. No cemetery shall erect any structures nor conduct any activities within 150 feet of any water well, unless the well is not functional.

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

F. No cemetery shall be established on any property that is not a lot of record.

G. Access. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, the site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.

H. Health Approval and Perpetual Care.

1. All cemetery applicants 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. The City shall not approve any new cemetery absent Henry County Health Department approval.
2. All cemetery applicants shall provide a perpetual care plan to the Community Development Department.

3.2.10 Centers for Manufacturing, Production, Processing, or Assembly

A. Applicability. This section sets forth specific site design standards required in addition to those of the zoning district in which the use is proposed, applicable to the following uses:

1. Asphalt and concrete batch plants;
2. Central mixing plants for cement, mortar, and/or plaster; and
3. Food processing plants.

B. Performance Standards. No such facility shall generate vibrations or electromagnetic interference that are detectable on any adjacent properties that are not associated with the subject land use. The operation shall minimize disturbances and adverse impacts on surrounding properties using the best available technology. Applications shall

demonstrate the methodology necessary to ensure that the operation of such facilities complies with all applicable federal, state, and local laws.

C. Additional development standards for such uses are provided in the table below.

Development Feature	Standard
Minimum land area	2 acres
Minimum building or structure setback from any parcels zoned or used residentially	100 feet
Minimum buffer width	40 feet
Loading docks	Screened from view of adjacent properties and the public right-of-way
Outdoor storage	Screened from view from adjacent properties and the public right-of-way. Setback a minimum of 200 feet from any parcels zoned or used residentially.
Refuse and solid waste containers	Enclosed, except for an access gate, and screened from view from adjacent properties and the public right-of-way

3.2.11 Commercial Greenhouses and Plant Nurseries

A. Commercial greenhouses and plant nurseries shall comply with the site design standards provided in the table below.

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 that screens them, up to a maximum height of eight (8) feet.

Minimum buffer width	25 feet
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3.2.12 Cottage Home Village Development

- A.** A cottage court cluster development consists of a grouping of no fewer than four (4) and no more than 16 small attached or detached dwelling units oriented around a shared common open space and developed under a unified site design.

Applicability, Review, and Site Plan Requirements.

1. A Cottage Home Village Development shall be permitted only in the zoning districts identified in Table 3.1, B, Land Uses and shall comply with this Section, all applicable provisions of the UDC, and all applicable local, state, and federal laws.
2. Prior to issuance of any land disturbance permit, building permit, final plat approval, or certificate of occupancy, as applicable, the applicant shall obtain approval of a concept plan, site plan, preliminary plat, final plat, or other development approval required by the UDC.
3. The required site plan shall show, at a minimum, dwelling unit locations, setbacks, building separation, common open space, sidewalks and pedestrian connections, parking areas, refuse areas, utility layout, stormwater facilities, fire access, hydrant locations, landscaping, buffers, lighting, phasing, and proposed ownership and maintenance documents.
4. No Cottage Home shall be occupied until all required permits, inspections, utility connections, access improvements, and certificates of occupancy have been issued in accordance with applicable law.

B. Density and Development Standards.

1. All cottage home village developments shall satisfy the following site design requirements.

Standard	Cottage Home
Floor Area	Not less than 1,000 square feet and not more than 1,250 square feet, excluding attached porches, garages, and accessory structures.
Building Code Treatment	Shall comply with the Georgia State Minimum Standard Residential Code as a conventional detached dwelling.
Minimum Porch Area	At least 60 square feet.
Common Open Space	At least 400 square feet per Cottage Home.
Parking	At least two (2) off-street parking spaces per Cottage Home, unless otherwise approved pursuant to the UDC.

- C. Size.** The development shall have a minimum site area of three (3) acres.

- D. **Maximum Density.** The maximum residential density shall not exceed fifteen (15) dwelling units per gross acre.
- E. **Development Size.** Cottage Home Village Developments shall consist of a minimum of six (6) dwelling units. The maximum number of dwelling units shall be determined by the permitted density and compliance with all applicable provisions of this UDC.
- F. **Building Size Categories.** For purposes of this Section, a Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.
- G. **Open Space.** A minimum of 30% of the tract shall be dedicated to common open space.
1. A minimum of 400 hundred square feet of common open space shall be provided for each Cottage Home.
 2. Required common open space shall be usable, improved, and designed as a central organizing feature of the development. Required common open space shall not include private yards, parking areas, vehicular areas, drive aisles, required buffers, required setbacks, refuse areas, or utility areas. Stormwater facilities, wetlands, floodplains, steep slopes, and similar constrained areas shall not count toward required common open space unless improved as a functional amenity and expressly approved by the City.
 3. At least fifty percent (50%) of the Cottage Homes shall be oriented toward the common open space, with the primary entrance or covered front porch facing the common open space.
 4. Every Cottage Home shall be located within 100 hundred feet walking distance of the common open space.
 5. The common open space shall be designed so that Cottage Homes abut at least two (2) sides of the common open space.
 6. Common open space shall be maintained in a safe and attractive condition and shall remain available for the common use and enjoyment of the residents of the development.
- H. **Access, Emergency Services, and Private Drives.**
1. All public streets, private streets, alleys, internal access drives, sidewalks, and pedestrian facilities shall be designed and constructed in accordance with applicable City standards, fire code requirements, and the approved site plan.
 2. The development shall provide adequate emergency vehicle access, fire apparatus access roads, turnarounds, address visibility, hydrant locations, fire flow, and building separation as required by the Fire Marshal and applicable fire codes.

3. Private streets and internal access drives shall be subject to recorded maintenance obligations acceptable to the City prior to final plat approval or issuance of the first certificate of occupancy, whichever occurs first.

I. Landscaping.

1. Street trees, in accordance with Section 13.8.4, Street Trees, shall be planted along all public and private streets.
2. Shade trees shall be provided throughout the Village Center.
3. Parking courts shall include landscape islands.
4. Existing mature trees should be preserved where practicable.
5. Native and drought-tolerant landscaping is encouraged.
6. **Buffers Adjacent to Residential Communities.** Where a Cottage Home Village Development abuts an existing residential subdivision, single-family residential district, or other established residential community, a minimum twenty-five (25) foot landscaped buffer shall be provided along the shared property line. The buffer shall include an evergreen vegetative screen, supplemented as necessary with berms, decorative fencing, or walls, to provide year-round visual screening and compatibility with adjacent communities. Existing mature trees and natural vegetation within the buffer area shall be preserved to the greatest extent practicable and may count toward the required buffer when approved by the Director.
7. **Buffer Maintenance.** Required buffers shall be maintained in a healthy, orderly, and attractive condition by the homeowners' association, property owners' association, condominium association, or other entity responsible for common area maintenance. Dead or diseased plant material shall be replaced within the next appropriate planting season, and no buildings, parking areas, drive aisles, stormwater facilities, refuse areas, or similar improvements shall be located within the required buffer except for approved pedestrian connections, utilities, fencing, walls, or landscaping improvements.

J. Parking Design.

1. A minimum of two (2) off-street parking spaces shall be provided for each Cottage Home, unless a different parking requirement, reduction, or shared parking arrangement is approved pursuant to the UDC.
2. All required off-street parking shall be located on the site of Cottage Home Village Development.
3. Parking may be provided within a garage, carport, parking court, parking structure, or as a surface parking area.
4. Surface parking areas shall be screened from public streets by one (1) or more of the following:

- a. Building facades;
 - b. Garage doors;
 - c. Decorative fencing in combination with landscaping; or
 - d. Undisturbed landscaped buffers as approved by the Director.
5. Parking shall not be located within any required front yard.
6. Parking may be located between a principal structure and the rear property line or between a principal structure and an interior side property line, provided such side property line is not adjacent to a public street.
7. Large, uninterrupted surface parking areas are prohibited. Parking shall be arranged in small parking courts or other configurations that complement the pedestrian-oriented design of the development.

K. Setbacks.

1. Where a Cottage Home fronts a public street, the minimum front setback shall be fifteen (15) feet. Covered front porches may encroach into the required front setback by not more than seven (7) feet.
2. Where a Cottage Home fronts a private street or internal access drive, the minimum front setback shall be ten (10) feet. Covered front porches may encroach into the required front setback by not more than five (5) feet.
3. A minimum separation of ten (10) feet shall be maintained between all principal structures.

L. Lot Design.

1. Lot dimensions within a Cottage Home Village Development may be reduced below the minimum lot area, width, and depth otherwise required by the underlying zoning district, provided the development complies with all applicable requirements of this Section and the UDC.
2. A Cottage Home Village Development may be developed on individual fee-simple lots, condominium units, rental lots, or a single commonly owned parcel, provided that access, utilities, common open space, maintenance responsibilities, and legal ownership arrangements are shown on the approved plans and recorded documents.

M. Utilities.

1. All Cottage Homes shall be served by public water and sanitary sewer.
2. Utilities shall be installed underground where feasible.
3. Individual utility meters shall be provided for each dwelling unless otherwise approved.

N. Prohibited Uses.

1. The following shall not be permitted within a Cottage Home Village Development:
 - a. Recreational vehicles used as dwelling units.
 - b. Tiny Houses on Wheels.
 - c. Park model recreational vehicles.
 - d. Manufactured homes.
 - e. Mobile homes.
 - f. Shipping containers used as dwelling units.
 - g. Temporary structures intended for permanent residential occupancy.
 - h. Hotel, motel, campground, recreational vehicle park, transient lodging, or short-term rental use, unless such use is expressly authorized by a separate provision of the Code and approved by the City.

O. Accessory Structures, Storage, Phasing, and Certificates of Occupancy.

1. Accessory structures, detached storage buildings, bicycle storage, mail kiosks, carports, garages, community buildings, and similar improvements shall be shown on the approved site plan and shall comply with all applicable accessory structure, setback, building code, and design requirements.
2. Outdoor storage shall be prohibited except within approved enclosed structures or screened areas shown on the approved site plan. Storage of inoperable vehicles, construction materials, appliances, furniture, trash, or similar materials outside an enclosed structure is prohibited.
3. If a Cottage Home Village Development is constructed in phases, each phase shall provide proportional common open space, parking, sidewalks, utilities, stormwater facilities, fire access, landscaping, buffers, and amenities necessary to serve that phase, as determined by the City.
4. No certificate of occupancy shall be issued for any Cottage Home within a phase until required access, utilities, parking, sidewalks, fire protection, landscaping, buffers, common open space, and related common improvements serving that phase have been completed or guaranteed in a form acceptable to the City.

P. Additional Development Standards.

1. All required common open space, recreational amenities, private streets, sidewalks, and other common improvements shall be owned and maintained by a homeowners' association, property owners' association, condominium association, or other entity approved by the City. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, and maintenance of such common facilities.

2. Each Cottage Home shall be equipped with, or designed to accommodate, clothes washer and dryer facilities through either:
 - a. Individual washer and dryer connections within each dwelling unit; or
 - b. A centralized laundry facility available for the exclusive use of residents within the Cottage Home Village Development.
3. The use of permeable pavement, pervious parking areas, rain gardens, bioswales, and other low-impact development (LID) practices is encouraged to reduce stormwater runoff. All Cottage Home Village Developments shall comply with the applicable stormwater management requirements of the UDC and all other applicable local, state, and federal regulations.

Q. Design Standards.

1. **Building Orientation.** Cottage Homes shall be oriented toward a public street, private street, or common open space. Primary entrances shall not face parking areas unless no reasonable alternative exists due to site constraints.
2. **Covered Front Porch.** Each Cottage Home shall include a covered front porch with a minimum area of sixty (60) square feet. Covered front porches may encroach into required front setbacks as provided in this Section.
3. **Exterior Building Materials.** Exterior building materials shall consist of brick, natural stone, manufactured stone, fiber-cement siding, wood, engineered wood siding, or comparable residential-quality materials approved by the Director. Reflective metal siding exposed unfinished concrete masonry units, and corrugated metal panels shall be prohibited as primary exterior wall materials.
4. **Roof Design.** Roofs shall have a minimum pitch of 6:12 unless an alternative architectural design is approved by the Director. Flat roofs shall be prohibited except for architectural elements such as porches or accessory structures.
5. **Building Entrances.** The primary entrance of each Cottage Home shall be clearly defined through the use of porches, stoops, recessed entries, columns, or other architectural features.
6. **Mechanical Equipment.** Ground-mounted mechanical equipment, HVAC units, utility meters, and similar service equipment shall be screened from public view through landscaping, fencing, or architectural screening materials compatible with the principal structure.
7. **Refuse Collection.** Community refuse collection areas shall be enclosed on three (3) sides by masonry walls, decorative fencing, or comparable screening materials with an opaque gate.
8. **Lighting.** Exterior lighting shall be pedestrian-scaled and designed to minimize glare onto adjacent properties and public rights-of-way.

9. **Architectural Variety.** Building elevations, rooflines, colors, materials, and façade treatments shall incorporate variation throughout the development to avoid repetitive building designs. Adjacent Cottage Homes shall vary in at least three (3) of the following features: roof form or pitch, porch design, exterior wall material, trim details, window pattern, façade articulation, color palette, or front entry treatment.
10. **Front Elevations.** The front façade of each tiny home dwelling unit shall be composed of a minimum of 75% percent brick and/or stone, excluding windows, doors, and other architectural openings. The remaining portion of the façade may consist of complementary materials such as stucco, shake, or cementitious fiber cement siding.
11. **Water Table Requirement.** All side and rear elevations of cottage home dwelling units shall include a continuous masonry water table with a minimum height of four (4) feet measured from finished grade. The water table shall consist of brick or stone materials that are compatible with the primary materials used on the front façade and shall extend the full length of each side and rear elevation, except where interrupted by doors or other approved architectural features.
12. **Prohibited Materials.** Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all cottage home dwelling units, including gables and eaves, unless otherwise expressly permitted by this UDC.

R. Ownership and Maintenance.

1. Common open space and common facilities shall be required for all Cottage Home Village Developments.
2. Common open space and common facilities shall be owned and maintained by a homeowners' association, condominium association, property owners' association, or other legal entity approved by the City.
3. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, maintenance, and repair of all common open space, private streets, sidewalks, recreational amenities, stormwater facilities, utilities, and other commonly owned improvements.
4. The City may require performance guarantees, maintenance agreements, or other assurances authorized by law to ensure completion and long-term maintenance of required common improvements.

3.2.13 Data Centers

- A. Data Centers shall comply with the site design standards provided in the table below

Development Feature	Standard
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Minimum land area	20 acres
Open Space	30 percent
Minimum setbacks for all primary operational facilities and infrastructure, including data center buildings, electrical substations, emergency generators, and mechanical systems:	
From any public right-of-way	200 feet
Adjacent to a nonresidential use or district	100 feet
From any residential structure	1,320 feet

- B. Accessory structures that do not generate noise or emissions may be allowed in a setback subject to City approval. No such structure may be located within a required buffer.
- C. **Layout.** The layout and orientation of buildings and associated equipment must minimize visual impacts on surrounding properties.
- D. Principal building facades are subject to approval by the City and shall comply with the applicable design standards set forth in this UDC.
- E. **Mechanical Equipment Screening.** All exterior mechanical, electrical, and operational equipment associated with a data center, including but not limited to generators, cooling systems, substations, and rooftop equipment must be fully screened on all sides by an acoustical barrier designed to reduce noise impacts on adjacent properties. The design, materials, height, and effectiveness of acoustical barriers are subject to approval by the City.
- F. Lighting design must incorporate dark sky principles, fully shielded fixtures, and measures to prevent glare or light spillage onto adjacent properties. This includes all site lighting, including security lighting, building mounted lighting, and any perimeter illumination.
- G. **The following environmental performance standards must be met:**
 - 1. The maximum noise output at any property line adjacent to a residential district or use is 55 dBA between the hours of 7:00am to 8:00pm. At all other times the maximum noise output is 45 dBA.
 - a. Testing of generators or other equipment is only allowed during the hours of 10:00am to 5:00pm, Monday through Friday. Testing is not allowed on any holiday recognized by the City of Stockbridge.
 - 2. Open evaporative cooling systems are prohibited.

3. Refrigerants for system cooling must meet minimum Global Warming Potential (GWP) requirements. Monitoring for refrigerant leakage and remediating impacts of leakage during operations is required.
 4. Building materials with low embodied carbon must be utilized.
 5. Stormwater management shall comply with all applicable City standards and incorporate best available and feasible practices, including green infrastructure and low impact development techniques, where practicable, to ensure post-development runoff meets or exceeds predevelopment conditions and minimizes downstream impacts.
- H. **Open Space Required.** All data centers must preserve at least 30% of the gross lot area as natural, undisturbed open space. Buffers, stormwater features, and passive recreation areas may be utilized to satisfy this requirement upon approval by the County.
- I. When a greenway trail has been planned by the City or County, it must be constructed on the site.
- J. Prior to the issuance of a land disturbance permit, a Development Agreement must be executed between the developer and the City. The agreement must, at a minimum, address the following:
1. Compliance with the maximum noise limits set forth in this section and the most current City of Stockbridge Noise Ordinance, including during normal operations and testing activities. On-site noise monitoring equipment must be installed and maintained as a part of the agreement.
 2. Power and energy efficiency reporting (PUE, ERE, WUE).
 3. The establishment of performance metrics to limit potable water consumption through the use of a closed loop or similar system designed to minimize consumption and eliminate continuous discharge or evaporative loss.
 4. Ongoing metering of energy and water usage and transparency of grid impact during operations.
 5. Decommissioning, change of use, and site restoration.
 6. Financial assurances such as performance bonds, security bonds, decommissioning bonds, or escrow accounts sufficient to ensure site restoration, infrastructure removal, environmental remediation, and long-term compliance with approved operational standards.
 7. Ongoing assessment of facility impact on surrounding air and water quality during operations, including transparency of results and effective remediation of negative impacts if identified.
 8. Emergency coordination with Fire, Public Safety, and utility providers.

9. Environmental Impact Summary and Operations Management Plan, including a third-party environmental impact study evaluating air, water, noise, and operational impacts.
 10. Documentation of coordination with electric and water utility providers, including evaluation of infrastructure capacity, required upgrades, and cost allocation measures, demonstrating that project-related system improvements and service demands are borne by the applicant and not shifted to existing customers, with mitigation strategies incorporated into the Development Agreement.
 11. Emergency generator testing and operational protocols, including testing schedules, duration, and noise mitigation measures, to ensure minimal impact on surrounding properties.
 12. The use, storage, and management of batteries, fuels, backup power systems, or any hazardous materials associated with facility operations, including compliance with all Fire Marshal, EMA, and applicable life safety requirements.
 13. How the project will contribute to the development of an inclusive, accessible, and mixed-use community surrounding the project via community benefits packaging infrastructure upgrades and reinvestment strategies.
- K. Relief from the standards of this Section may only be granted by the Mayor and City Council.

3.2.14 Drone Delivery Service

- A. **Certifications and Requirements.** The Federal Aviation Administration (FAA) has exclusive jurisdiction over aviation safety and the efficient use of the national airspace, including the operation, flight paths, and altitude of unmanned aircraft systems (UAS), commonly referred to as drones. The city seeks to clarify the jurisdictional boundaries between federal and local authority regarding the operation of unmanned aircraft systems (UAS), specifically those used for commercial delivery services, and to ensure local regulations are consistent with federal law
1. All drone delivery services operating within the City of Stockbridge must comply with FAA regulations, including, but not limited to:
 - a. Part 107 of Title 14 of the UDC of Federal Regulations (CFR) governing commercial drone operations.
 - b. Remote identification requirements under Part 89.
 - c. Registration and marking requirements under Part 48.
 - d. Operational limitations such as maximum altitude, line-of-sight requirements, and restrictions on flying over people or moving vehicles.
 - e. All pilots must obtain and retain a remote pilot certification from the Federal Aviation Agency as required under 14 CFR part 61.

2. Drone delivery service is allowable by special administrative permit.

B. Use Standards for Commercial Drone Delivery Hub.

1. Commercial drone delivery hubs may be permitted by special use permit in the C-2, LI, and HI districts when the requirements of this section are met.
2. A commercial drone delivery hub established as a primary use shall be limited to no more than 10,000 square feet in total floor area.
3. Commercial drone delivery hub may be permitted as an accessory use, by special use permit, for food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, drug store, or warehouse/distribution center use in any district when the requirements of this section are met.
 - a. A commercial drone delivery hub established as an accessory use shall be limited to a maximum of ten percent (10%) of the total floor area of the building containing the primary use, or 10,000 square feet, whichever is less.
4. The drone staging area must be designated on an approved site plan. As accessory use, the drone staging area is limited to ten percent (10%) of the total lot area. The drone staging area must not be placed:
 - a. Within any required building setbacks;
 - b. Within any required landscape edge;
 - c. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or
 - d. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.
5. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation. When a drone staging area is located on top of a building:
 - a. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements; and
 - b. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the district, except a single mast up to ten (10) feet in height for a windsock may exceed the maximum height requirement; and
 - c. When located at grade, any goods, materials, containers, trailers, or other equipment must be screened. Landing pads are exempt from this screening requirement.

C. **Noise Restrictions.** The drone staging area for a commercial drone delivery hub shall not be located within 300 feet of any property upon which a school, dwelling, retirement and supportive housing facility, or public park is located.

1. The three-hundred-foot buffer requirement may be reduced to 150 feet should Mayor and City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.
2. The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a school, dwelling, retirement, and supportive housing facility use, or public park.

D. **Parking.**

1. In addition to the requirements of this Section, parking for drone delivery service uses shall comply with Chapter 5, Parking Requirements.
2. Loading spaces shall be provided for a commercial drone delivery hub. Loading spaces are not required for an accessory commercial drone delivery hub use.

E. **Security.**

1. The commercial drone hub at grade shall be enclosed with a fence consisting of masonry, decorative iron, or chain link that is coated with black vinyl.
2. The commercial drone hub shall utilize a 360-degree security camera system, with twenty-four-hour monitoring. Such monitoring shall include continuous recording and/or twenty-four-hour active monitoring by personnel or other adequate monitoring service, as approved by Mayor and City Council.

F. **Operating Hours.** Delivery operations shall be limited to the operating hours of the principal retail establishment from which deliveries are initiated. No drone delivery operations shall occur outside of the principal business's regular hours.

3.2.15 Electrical Substations

- A. All electrical substations shall be fully enclosed on all sides with a solid fence, equipped with a gate, or fully screened with a landscaped buffer that meets the standards listed in the table below and in accordance with Chapter 13, Buffers, Landscaping, and Tree Protection.

Development Feature	Standard
Minimum buffer width	25 feet
Minimum tree density	One (1) tree for each 25 linear feet of buffer
Minimum shrub density	One (1) large screening shrub for each eight (8) linear feet, plus continuous hedge consisting of double staggered rows of shrubs

3.2.16 Electric Vehicle Charging Stations

- A. Electric vehicle charging stations may be permitted as an accessory use in all zoning districts. A permit shall be required to install any electric vehicle charging stations, except for private charging facilities on parcels containing single-family residences that are intended for the residential occupants and not for profit.
- B. Electrical vehicle charging stations may collect fees for the use of an electric vehicle charging station made available to residents, employees, and visitors to the property.
- C. Residential developments which exceed 150 dwelling units shall provide at least one electric vehicle charging station (pedestal) spaces in accordance with Section 5.8.2, D.

3.2.17 Emergency Response and Public Safety Facilities

- A. All emergency response facilities shall comply with the following requirements.

Development Feature	Standard
Minimum setback from any parcels zoned or used residentially	100 feet
Minimum buffer width	20 feet when located adjacent to any parcels zoned or used residentially

3.2.18 Fences and Walls

- A. General standards for the installation and maintenance of fences and walls shall be satisfied as provided below.
 - 1. In the event of a conflict between the contents of this section and any overlay district within the City, the stricter requirements shall control.
 - 2. No privately-owned fence or wall shall be installed within any public street right-of-way or within any city-owned area.
 - 3. No fence or wall shall block access to utility easements between lots.
 - 4. No fence or wall shall be installed so that it obstructs the sight vision at any street intersection, or if it in any way creates a hazard to traffic.
 - 5. No fence or wall shall be installed as to limit access to a property for emergency purposes.
 - 6. 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 fenced property.
 - 7. If a fence or wall is required by any governmental authority to provide for the safety and security of the residents of the City, that fence or wall 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.

8. It shall be the responsibility of the owner of the property on which a fence or wall 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.
9. Any fence or wall that is damaged by accident or an act of God shall be properly repaired within 90 days of the date of damage. Fencing required for public safety purposes shall be repaired within 30 days of the date of damage.

B. Fence Design Standards.

1. All fences within the City 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.
 - b. Chain-link fences in residential zoning districts shall not be visible from any abutting right-of-way.
2. No fence or portion of a fence shall exceed six (6) feet in height in a residential district.
 - a. Fences enclosing athletic courts and fields, such as basketball courts and tennis courts, shall not exceed 12 feet in height. This regulation shall control over conflicting fence height standards in this Section.
3. No fence that is installed in a residential front yard shall be greater than four (4) feet in height.
4. No fence or portion of a fence shall exceed eight (8) feet in height in any commercial or industrial district except for the containment of swimming pools or athletic courts.
5. Barbed wire, razor wire, concertina wire, and similar fencing materials and treatments shall be prohibited.

C. Temporary Fences. The 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; and

D. Retaining Wall Design Standards.

1. No retaining wall shall exceed 4 feet in height within 10 feet of a front property line.
2. Walls visible from an adjoining property shall be tiered so that no single tier is taller than 20 feet.

3. Retaining walls visible from the public right-of-way shall be faced with stone, brick, or textured cement masonry.
- E. **Permit.** A 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 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 chapter.
 3. **Gates.** The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
4. Applications for fence permits shall be made upon forms provided by the Community Development Department. The following information shall be provided with the application:
 - a. A site plan depicting:
 - i. Existing and proposed fences and walls;
 - ii. Existing structures;
 - iii. Easements; and
 - iv. Required setback dimensions.
 - b. Construction details of the proposed fence or wall with all appropriate dimensions.
 - c. Engineered stamped plans for retaining walls over four (4) in height.
 - d. 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 cross or overlap a property line.
 - e. Other information that the Director may be required to show full compliance with this Chapter.

3.2.19 Fueling Stations

- A. The contents of this subsection apply to all properties containing the sale of gasoline, diesel, or other vehicle fuels, except for electricity, as a business function.
- B. Fueling stations may function as primary land uses with one or more of the following accessory land uses present: retail sales of automotive accessories; sale of food and sundries; convenience store; inspection stations for emissions; or manual/hand car washes.
- C. No fueling station shall be located less than 800 feet from any other fueling station. This distance requirement shall be measured in a straight line from property line to property line of another existing fuel service station.

- D. Fueling stations, whether operated as a primary or accessory land use, shall abide by the following development requirements.

Development Feature	Standard
Minimum Setback:	
Separation of all fuel canopies or fuel islands from any parcels zoned or used residentially	40 feet
Site access	Access drives shall be a minimum of 20 feet from the intersection of street right-of-way lines
Minimum buffer width	25 feet when located adjacent to any parcels zoned or used residentially; said buffer shall include a solid wall or solid fence not less than six (6) feet in height

- E. A fueling station must be located on a property which has frontage on either a collector or an arterial road, as is classified by the Georgia Department of Transportation or the Henry County Department of Transportation.
- F. Nothing in this subsection shall be construed as to provide exemption or relief from any requirements of this UDC or any other local, state, or federal regulations.
- G. All buildings on any property containing a fueling station must have all facades consisting of primarily brick or stone.
- H. All fueling stations must be accompanied by, or located on a parcel with, a building with a heated floor area of no less than 5,000 square feet. This building shall contain at least two (2) suites.

3.2.20 Funeral Homes, Mortuaries, and Crematoriums

- A. All funeral homes and mortuaries, with or without crematoriums, shall satisfy applicable assembly use restrictions and provide designated and adequate off-street vehicle queuing space pursuant to the facility capacity:
1. Facility containing less than 100 seats: Minimum one queuing area at least 100 feet in length.
 2. Facility containing between 100 and 200 seats: Minimum one queueing area at least 150 feet in length.
 3. Facility containing greater than 200 seats: No less than ten (10) linear feet of queueing area for every ten (10) seats, rounded up to the nearest ten linear feet. No queueing area less than 100 feet in length shall count towards satisfying this requirement. In no event shall greater than 500 linear feet of queuing area be required.

3.2.21 Golf Courses and Driving Ranges

- A. The following land uses shall be considered accessory to a golf course or driving range, provided they are secondary to the principal function of the property as a golf course or driving range:
1. A clubhouse, which may include the sale of sports equipment, golf accessories, and food and beverages.
 2. An equipment building for maintenance, minor repairs, and storage
- B. All golf courses shall be par three (3), executive, private, semi-private, or regulation.
- C. Site design standards for golf courses and driving ranges are provided in the table below.

Development Feature	Standard
Minimum site area	Three (3) acres
Minimum building/structure setback from any parcels zoned or used residentially	100 feet
Safety netting for driving ranges	Required on the entire perimeter of the playing area abutting public streets or any adjacent 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
Outdoor 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.

3.2.22 Home Occupations

- A. **Exclusions.** The following uses are not considered home occupations and are not subject to the home occupation regulations of this section. Each use is allowed as indicated in the land use table and shall be subject to applicable use regulations outlined in this UDC.
1. Personal Care Homes.

2. Day Care.
3. Bed and Breakfast.
4. Short-Term Rentals.

B. Prohibited Home Occupations. The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); and,
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; and,
3. Vehicle sharing and rental services, including but not limited to the rental, lease, storage, staging, dispatch, pickup, or return of motor vehicles by persons not residing on the property, including peer-to-peer vehicle sharing or similar services; and,
4. Equipment or supply rental businesses; and,
5. Taxi, limo, van, or bus services; and,
6. Tow truck services; and,
7. Moto vehicle sales or rentals, remote; and
8. Firearms sales establishment; and,
9. Eating or drinking places; and,
10. Funeral or interment services; and,
11. Animal care, grooming, or boarding businesses;
12. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
13. Family day care centers, as defined in this UDC.

C. All home occupations shall be 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 a RR zoning district. Only products that are produced or harvested 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.

5. Use of a dwelling for a home occupation shall not exceed twenty-five percent (25%) of the total heated floor area.
6. No interior or exterior alterations that are inconsistent with the residential use of the building shall be permitted.
7. No outdoor storage of materials to be used in connection with a home occupation is permitted, except in an RR district, where outdoor storage is permitted behind the rear plane of the principal building. 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.
8. No accessory buildings shall be used in connection with the home occupation except for agricultural functions.
9. 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, beauty shops, barber shops, manicurists, and similar occupations shall be limited to two (2) clients at a time, subject to further restrictions for certain types of businesses.
 - 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.
10. 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.
11. 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.

12. 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.
13. 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.

3.2.23 Hospitals

- A. Site design standards for hospitals are provided in the table below.

Development Feature	Standard
Minimum site area	Five (5) acres
Minimum setbacks, at side and rear property lines	50 feet
Emergency vehicle access	Shall not face residentially zoned properties

3.2.24 Keeping or Raising of Livestock

- A. The keeping or raising of livestock shall not occur on any lot measuring less than three (3) acres.
- B. 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.

3.2.25 Livestock Processing and Feedlots

- A. Livestock processing and feedlots shall meet applicable State and Federal standards for confinement feeding operations.
- B. A planted buffer no less than 100 hundred feet in width is required at all side and rear property lines.

3.2.26 Mines and Quarries

- A. 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 and require a special use permit, subject to the standards that are set forth in this section.
- B. 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, maintaining a minimum height of eight (8) feet.

- C. 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.
- D. 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.

3.2.27 Nursing Homes, Assisted Living, and Hospice Care Facilities

- A. Prior to the establishment of a nursing home, assisted living, or hospice facility, the applicant shall complete the formal application process. Each 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 UDCs and regulations of the city.
- B. All application forms and information submitted to the State of Georgia Department of Community Health shall also be provided to the City at the time of application.
- C. The Director 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.
- D. If the Director determines that an application to operate the facility is in compliance with the applicable requirements, they 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.
- E. No permit for the operation of the facility shall be transferable.
- F. No nursing home, assisted living, or hospice facility shall be located within 1,000 feet of any other facility of the same type. Distances shall be measured in a straight line from the closest property lines upon which each facility is located.
- G. 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.
- H. The site design standards presented in the table below are required for nursing homes, assisted living, and hospice care facilities.

Development Feature	Standard
Minimum site area	One (1) acre
Minimum setbacks at side and rear property lines	50 feet
Place of operation	Freestanding structure, or within a religious facility provided a special use permit has been obtained

Number of children or adults	Two (2) or more to be operational
Hours of operation	Required to be open for 24 hours (with 24-hour supervision required for all residents)
Minimum buffer width	50-foot planted buffers, when located adjacent to a residential zoning district

3.2.28 Outdoor Storage

- A. The outdoor storage regulations of this section apply to the storage of goods, materials, and equipment as an accessory use to commercial or industrial use types, as identified on the land use table, when located outside of enclosed buildings, including but not limited to:
 1. Materials in boxes, in crates, or on pallets.
 2. The storage of vehicles and engine powered devices for greater than 24 continuous hours.
 3. Construction, landscaping, and contractor equipment.
 4. Fleet vehicles and moving vehicles.
 5. Construction and landscaping materials such as lumber, pipe, steel, dirt, mulch, recycled material, or similar items.
 6. Garbage, landscape waste, and rubbish.
- B. On lots in the RR district, accessory outdoor storage shall not occur on parcels less than two (2) acres in land area.
- C. Accessory outdoor storage shall not be located within any minimum required front yard and shall not extend closer to the front property line than the front plane of the principal building located on the subject property.
- D. Accessory outdoor storage areas shall be fully enclosed at minimum by a fence not less than six (6) feet in height containing opaque material to provide visual screening. Operable fleet vehicles do not require screening.
- E. Accessory outdoor storage shall not occur within any minimum required landscape strip or zoning buffer.
- F. The following principal land use types shall be exempt from the provisions of this section, provided they meet other applicable requirements of this Chapter:
 1. Bona fide car dealerships that are registered with the State.
 2. Junk yards and salvage yards.
 3. Truck staging facilities.
 4. Truck storage facilities.

3.2.29 Personal Care Homes, Group Homes, and Boarding Homes

- A. Each personal care home, boarding home, and group home shall be subject to the following requirements:
1. All regulated facilities shall comply with State regulations, building UDCs, and life safety requirements, and acquire applicable State licenses, prior to operation.
 2. 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.
 3. All facilities must apply for and receive a city business license prior to operation.
 4. The following development requirements shall also be satisfied, outlined in the table below.

Development Feature	Standard
Minimum site area	Residential—1 acre Non-residential—30,000 square feet
Minimum distance from similar facility	1,500 feet
Fence requirement	In residential districts, properties must have a fenced rear yard

3.2.30 Places of Assembly

- A. Requirements Applicable to All Places of Assembly.
1. Facilities and structures considered to be places of assembly are provided in the land use table of this chapter.
 2. All places of assembly designed to serve more than 50 persons at any given time (whether or not the place of assembly is actually occupied by more than fifty (50) persons), shall meet the following requirements:
 - a. Be located on a lot fronting an arterial or collector street; and
 - b. Be located on a tract of land not less than two (2) acres in area and having a street frontage of not less than 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.
 3. Outdoor amusement facilities, including but not limited to miniature golf, carnivals, and go-kart tracks, may include accessory land uses such as the sale of retail goods, food, and beverages. All retail and food and drink sale activities shall

be contained within the facility and shall not be accessible to the general public, absent entrance into the facility.

4. **Master Site Plan Required.** A master site plan shall be provided to the Community Development Department prior to the issuance of any building or development permit for a place of assembly or its accessory land uses. At minimum, this plan shall identify/indicate the following:
 - a. The principal use and each accessory use that is proposed on the site.
 - b. 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.
 - c. A parking plan to show areas that are designated for overflow parking during times of extraordinary use (such as festival or holiday periods).
5. Nothing in this section shall be deemed to amend or otherwise alter any life safety UDC or any other provision of this UDC unless expressly provided for herein.

B. **Specific Site Design Requirements.** This subsection sets forth specific site design standards required in addition to those of the zoning district in which the use is proposed and those stated above, applicable to the places of assembly uses listed in the table below.

Place of Assembly: Outdoor Assembly Operations (to include fairgrounds, outdoor amusements, amphitheaters, civic centers, convention centers, rodeos, and outdoor armories)	
Development Feature	Standard
Minimum site area	Two (2) acres
Minimum setbacks for buildings:	
Abutting any parcels zoned or used residentially	125 feet
Abutting all other parcels	75 feet
Minimum setback for outdoor stage or performance area:	
Abutting any parcels zoned or used residentially	600 feet
Abutting all other parcels	200 feet
Minimum setback for parking lots and access drives, when abutting any parcels zoned or used residentially:	200 feet

Parking lot design	Aisles may be paved; spaces may be paved, grass, dirt, or gravel
Minimum buffer	50 feet wide buffer as specified in this UDC, 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
Outdoor storage and loading areas	Screened from view from adjacent properties and from the public right-of-way and 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 and 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 and setback a minimum of 200 feet from all property lines
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties
Place of Assembly: Indoor Assembly Operations (to include convention center, civic centers, centers for performing arts, and indoor armories)	
Development Feature	Standard
Minimum site area	Five (5) acres
Minimum setback for buildings:	
Abutting any parcels zoned or used residentially	100 feet
Abutting all other parcels	50 feet
Minimum setback for parking lots and access drives, when abutting any parcels zoned or used residentially	100 feet
Access management traffic flow	Designed to avoid residential and local streets

Minimum buffer	25-foot-wide planted 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
Outdoor 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

Place of Assembly: Athletic Fields

Development Feature	Standard
Minimum site area	Two (2) acres
Minimum road frontage	100 feet
Minimum buffers (sides and rear)	20-foot-wide planted buffer
Building and structure 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

Place of Assembly: Place of Worship

(On properties containing places of worship, 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 operate in accordance with all applicable local and state requirements/licensing. Additionally, accessory uses shall be subject to relevant specific use standards outlined in this chapter.)

Development Feature	Standard
Minimum site area	Two (2) acres

Minimum buffers (sides and rear)	20-foot-wide planted buffer
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
Place of Assembly: Lodges and Event Facilities	
Development Feature	Standard
Minimum site area	Two (2) acres
Minimum lot width	200 feet
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

3.2.31 Relocated Structures

- A. 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. For the purposes of this Section, a relocated dwelling shall be 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. All structure relocation proposals shall demonstrate compliance with the regulations of the zoning district they will be moved to prior to commencement of relocation activities.
- D. All structure relocation proposals shall obtain Henry County Health Department approval prior to commencement of relocation activities.
- E. No building permit application for a relocated structure shall be approved until a complete inspection of the structure is completed by the City. An application for a relocated structure inspection shall be completed on forms that are provided by the City prior to any request for inspection. The inspection shall determine compliance or the feasibility of the compliance to all existing building UDCs, development UDCs, and ordinances which have been adopted by the City. Depending upon the size, age, condition or design of the structure, additional assessments may be required by 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 City determines that compliance with existing UDCs 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 Director.

- F. 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 Director regarding the interior load-bearing walls, the owner shall remove one (1) 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.
- G. The inspection fee shall be as set forth in the fee schedule established by the City which shall be paid prior to any inspections.
- H. To ensure that the structure will meet all current building construction UDCs of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within six (6) 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.
- I. 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.
- J. 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.
- K. **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 UDCs.
- L. Route approval shall be required as provided below:
 - 1. 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, description of the proposed route, and proof of sufficient insurance. Such approval and information must be on forms that are furnished by the Director.

2. Prior to moving a pre-existing structure through the City to a location outside of the jurisdictional limits, 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. If a police escort is necessary, it must be prearranged with the police department no less than three (3) business days prior to moving a structure through the City of Stockbridge.
- M. 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.
- N. 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 required by this Section.
- O. The work that is authorized by any permit for a relocated structure must be completed in compliance with all UDCs 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 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.
- P. The 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 ninety-day extension may be issued following the first ninety-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 authorized by the Building Official. Permission for a greater extension of time may only be granted through a formal decision by The Mayor and City Council following completion of an application for an extension. 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 UDCs 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.

3.2.32 Roadside Produce Stands

- A. Roadside produce stands shall only sell vegetables, fruit, produce, eggs, jams, jellies, and other agricultural products that are produced on the premises. Live poultry and livestock shall not be sold.
- B. Roadside produce stands shall meet the requirements provided below.

Development Feature	Standard
Maximum area	500 square feet of total produce stand floor area per property
Produce stand setback requirements	10 feet from rights-of-way; Minimum zoning district building setbacks shall be satisfied along all other property boundaries
Parking	Parking shall be provided out of the right-of-way; Parking areas shall be paved, gravel, or be of another dust-free surface
Outdoor storage	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

3.2.33 Salvage Yards and/or Junkyards

- A. Sanitary landfills shall not be permitted as part of a salvage yard or junkyard use.
- B. The site design standards for salvage yards and junkyards are set forth in the table below.

Development Feature	Standard
Minimum site area	Two (2) acres
Minimum setback from any abutting parcels zoned or used residentially	200 feet
Minimum setback from all other abutting parcels	100 feet
Screening required	Opaque wall or fence not less than 6 feet in height
Storage of salvaged or junk materials	Shall not exceed the height of the fence or wall

Planted buffers	40 feet wide along all property lines
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3.2.34 Schools, Academic, Public or Private

A. Schools shall satisfy the site design standards presented in the table below.

Development Feature	Standard
Minimum site area	Three (3) acres
Minimum lot width	200 feet
Minimum planted buffers	20 feet wide or zoning district standards, whichever is greater
Outdoor recreation areas	Setback a minimum of 75 feet from any abutting parcels zoned or used residentially; Fully enclosed by a solid decorative fence, a minimum of four (4) 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 and separated from parking areas

3.2.35 Self-Service Storage Facilities

A. Self-service storage facilities are intended for the passive keeping of personal goods and items. No tenant, renter, lessee, or guest may conduct any of the following activities on facility grounds:

1. Retail sales.
2. Manufacturing, fabrication, processing, and similar industrial activities.
3. Repair services.
4. Professional, vocational, academic, musical, or arts instruction or training.
5. Establishment of an office or administrative facility.
6. Storage of flammable liquids, highly combustible or explosive materials, or hazardous wastes or chemicals.

B. All self-service storage facilities shall satisfy the following site design requirements.

Development Feature	Standard
Minimum site area	2.5 acres
Minimum lot width	100 feet

Minimum setbacks for buildings and outdoor storage areas:	
Front yard	75 feet
Side yard	25 feet
Rear yard	25 feet
Planted buffer requirements:	
Abutting any parcels zoned or used residentially	40 feet
Abutting any parcels zoned or used commercially	30 feet
Abutting any parcels zoned or used industrially	10 feet
Abutting all other parcels	15 feet
Abutting an Interstate highway	75 feet
Dumpsters and trash containers	Fully screened from view from residentially zoned properties and public right-of-way
Outdoor lighting where 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

C. **Security Personnel Residence.** One (1) security personnel residence may be established at the facility, pursuant to the following regulations:

1. The residence shall only be occupied by employees of the facility during their assigned times of duty.
2. The residence shall not be a full-time residence.
3. The residence shall be site-built and have an exterior construction of brick, stone stucco, fiber cement, or materials that match that of the surrounding facility.

D. All buildings and structures at self-service storage facility shall satisfy the following design standards:

Development Feature	Standard
Building separation (two 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	Four (4) feet by four (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

- E. Self-service storage is permitted outside of enclosed building pursuant to the following requirements:
1. No vehicles, trailers, or shipping containers shall be stored except for boats on trailers and recreational vehicles.
 2. No greater than 15% of the site area shall be utilized for outdoor self-storage.
 3. Such areas shall be enclosed by fences or walls that maintain heights no less than six (6) feet.
 - a. Access points shall be gated and either be physically staffed or equipped with a functional keyless entry system.
 - b. The fence or wall shall consist of brick, stone, masonry, wood, chain link, or a similar decorative material.
 - c. If the facility at-large is fenced or walled to these requirements, no additional fences or walls shall be required.
- F. The interior of a self-service storage facility shall be designed to allow for the circulation of users and their vehicles pursuant to the following requirements.
1. The minimum traffic lane width shall be 25 feet.
 2. There shall be no drive-aisles or parking areas located in any required buffer area or within the designated rights-of-way.
- G. A landscape strip no less than ten (10) feet in depth shall be established along all abutting rights-of-way and private streets.
1. The strip shall feature intentional ground cover such as sod, grass, pine straw, or mulch.
 2. At least one (1) tree for every 20 linear feet shall be placed. No tree shall be planted less than ten (10) feet from another. All trees shall measure at least six (6) feet in height at the time of planting.

3. At least one (1) shrub for every five (5) linear feet shall be placed. All shrubs shall measure at least two (2) feet in height at the time of planting and achieve a height of six (6) feet or greater within three (3) years of the planting date.
 4. The subject property owner shall be responsible for maintaining the health and viability of the landscape strip. The landscape strip may be combined with the planted buffer requirements of this section.
- H. No less than 15% of the self-service storage facility land area shall be occupied by the sum of the following features:
1. Planted buffers.
 2. Landscape strips.
 3. Undisturbed tree stands.
 4. Other planted areas containing a mix of trees and shrubs.

3.2.36 Senior Adult Housing

- A. Senior adult housing must be designated age-restricted adult housing and shall satisfy the following requirements.
1. Housing units located in RR, NR, and SR zoning districts shall be single-family detached dwellings.
 2. Housing units located in all other zoning districts shall be single-family attached, duplex, triplex, quadplex, or multi-family dwellings.
 3. The development shall include a minimum of 20 dwelling units.
 4. No less than 35% of the gross site area shall be open space. The open space shall provide the following open space amenities pursuant to the number of dwelling units proposed.
 - a. Developments containing fewer than 50 units shall provide paved pedestrian paths totaling not less than 800 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least two (2) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths.
 - b. Developments containing 50 to 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,200 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least three (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 5,000 square feet.

- c. Developments containing greater than 120 dwelling units shall provide paved pedestrian paths totaling not less than 1,500 feet in length. The paths shall be interconnected and generally separate and distinct from sidewalks along streets and in parking areas. At least three (3) seating areas, each with a capacity of at least three (3) people, shall be provided directly along the paths. A grassed or sodded activity field or community lawn shall also be provided with a contiguous area not less than 7,500 square feet.
- B. At least one (1) on-site community building or clubhouse shall be provided pursuant to the number of dwelling units proposed.:
 1. **Less than 50 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,000 square feet.
 2. **50 to 120 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,500 square feet.
 3. **Greater than 120 dwelling units:** Minimum community building or clubhouse space heated floor area of 1,500 square feet, in addition to ten (10) square feet of heated floor area per additional dwelling unit beyond 120.
- C. Within phased senior adult housing development, open space and resident amenity requirements shall be satisfied within each phase of development. The developer shall provide a development phase master plan prior to the approval of any land disturbance permit.
- D. Prior to land disturbance permit approval, 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.
- E. The following minimum dwelling unit floor area requirements shall be satisfied.
 1. No dwelling unit shall have a heated floor area less than 1,000 square feet.
 2. At least 75% of all dwelling units shall have a heated floor area greater than 1,200 square feet.
- F. 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.
- G. Senior adult housing developments shall be designed for residents with physical disabilities and limitations. The minimum accessibility standards shall be satisfied
 1. "No-step" (maximum vertical floor level change of one-quarter ($\frac{1}{4}$) inch, except where a tapered threshold is used, which has a maximum height of one-half ($\frac{1}{2}$) 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 door not less than three (3) feet 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 32 inch clear width in the open position, typically a 36 inch door.
4. A 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 ($\frac{1}{4}$) inch, except where a tapered threshold is used, which has a maximum height of one-half ($\frac{1}{2}$) 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 30 inches by 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 30 inches by 48 inches. Clear floor space of 30 inches by 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 15 inches to a maximum of 48 inches above the floor. Such wall-mounted devices shall be of a contrasting color with the wall.
11. Accessible sidewalks shall be provided between parking areas and pedestrian entrances to dwelling units and all other buildings and structures in the development that may be accessed by residents. These routes shall be a minimum of five (5) feet wide, allowing mobility-enhancing devices to meet and pass safely.

3.2.37 Small Box Discount Stores

- A. So that small box discount stores shall not be highly concentrated, no such store may be established on a parcel within two (2) miles of any other parcel containing a small box discount store, measured as a straight line separating the nearest point of each lot.
 - 1. This proximity requirement shall be reduced to one (1) mile if the most proximate small box discount store or stores are located outside the jurisdictional limits of the City of Stockbridge.

3.2.38 Solar Energy Systems

- A. Any Solar Energy System (SES) that, prior to the effective date of the ordinance from which this section is derived; 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 the ordinance from which this section is derived.
- B. The following requirements apply to all Solar Energy System (SES) facilities:
 - 1. The maximum height of a ground mounted SES facility or parking lot solar canopy shall not exceed the maximum building height for accessory buildings and structures of the designated zoning district, or 20 feet, whichever is less.
 - 2. 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 UDC'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 pervious surface and into the subsoil.
 - 3. Lighting fixtures at SES facilities shall not exceed 3.0 foot-candles at any property boundary abutting a right-of-way. Lighting levels shall not exceed 0.5 foot-candles at any property boundary abutting a parcel zoned or used residentially. Lighting levels shall not exceed 2.0 foot-candles at any property boundary abutting a parcel not zoned or used residentially.
 - 4. A rooftop mounted SES shall not be located on the front slope of a pitched roof of the principal structure. The City may require sun and shadow diagrams specific to the installation to approve alternative placement.
 - 5. **Buffers and Screening.** All ground-mounted, intermediate, and large-scale SES facilities shall be screened to create a visual buffer from neighboring parcels and rights-of-way. Buffers shall be undisturbed (natural) but may include fences and earthen berms, or other encroachment, where specified by this UDC. The existing natural tree growth and natural landforms along the facility perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.
 - 6. **Decommissioning.** Decommissioning of a SES shall begin no later than 12 months after a facility has ceased to generate electricity or thermal energy.

Within six (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.

C. Intermediate and Large-Scale SES. The following requirements apply to Intermediate and Large-Scale Solar Energy Systems, in addition to the general requirements set forth in this section.

1. All buildings and structures at intermediate and large-scale SES facilities shall maintain setbacks of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.
2. Any intermediate scale SES facility shall be located no closer than 50 feet to any abutting parcels zoned or used residentially.
3. Any large-scale SES facility building or structure shall be located no closer than 100 feet to any abutting parcels zoned or used residentially.
4. Intermediate and large-scale SES facilities shall display advisory signage to include the following information, at minimum:
 - a. A statement to the risks that may result from physical contact with, or entry into, the subject SES facility;
 - b. The owner or operator of the subject SES facility; and
 - c. A twenty-four-hour emergency contact phone number.

D. Ground Mounted SES. The following area requirements apply to all ground mounted SES facilities:

1. Within residential zoning districts, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served.
2. Within non-residential zoning districts, a ground-mounted solar energy system shall not exceed 50% of the footprint of the principal building served.
3. A ground mounted SES shall not be located within the required front yard of a lot, nor within a right-of-way, and should be located to prevent conflicts with utility areas or easements.
4. A ground mounted SES shall not be located over a septic system, leach field area, or identified reserve unless explicitly approved by the Health Department.

E. Parking Lot Solar Carports

1. Solar carports, or solar panels over parking lots, are typically an elevated structure with solar roofs over parking areas.
2. A solar carport shall maintain a setback of no less than 15 feet from all property lines, and no less than 20 feet from all rights-of-way.

3.2.39 Swimming Pools

- A. Swimming pools are considered accessory structures and shall comply with all accessory structure regulations provided in this UDC, in addition to those dedicated specifically to swimming pools in this Section.
- B. Pool heaters and pumps shall not be located in a front yard and shall maintain a setback of at least ten (10) feet from all property lines.
- C. Swimming pools shall be entirely located behind the rear plane of the principal building, and minimum of ten (10) feet of separation from rear lot lines and 12 feet of separation from side lot lines, as measured from the outermost edge of the swimming pool or any associated deck or stairs.
- D. Pools shall be enclosed by a wall or fence of at least four (4) feet in height and comply with all applicable fence and wall regulations.
- E. Public, commercial, and resident amenity area swimming pools shall satisfy the additional following requirements:
 - 1. Such pools shall not be founded absent written approval from the Henry County Health Department.
 - 2. The pool area shall be enclosed by a security fence of not less than five (5) feet in height and feature decorative landscaping along the perimeter of the fence. Shrubs or trees shall be planted along the perimeter of the fence at a maximum separation of 20 feet. Plantings shall be no less than two (2) feet tall at the time of installation.
 - 3. Security fences shall be transparent and shall not obstruct the view of the pool from the outside.
 - 4. Swimming pools and associated structures shall comply with all setback requirements of the subject underlying zoning district.

3.2.40 Temporary Buildings and Structures

- A. Temporary buildings and structures, and the land uses contained therein shall be permitted during times when property is being developed. Temporary building and structures shall satisfy the following requirements.
- B. A building permit shall be required prior to temporary structure or building installation.
- C. Temporary buildings and structures installed on a site for multi-unit residential development shall be removed before 80% of all lots are occupied by completed dwelling units, or within four (4) years of permit issuance for the subject building or structure, whichever occurs first. For all types of projects, if construction becomes inactive for 12 months, then any existing temporary units must be removed within the next 90 days.

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1. The Director may issue a one-time, one (1) year extension of completion time for cause beyond the original completion period upon written request by the owner which includes the reason for the request and an updated account of completed houses within the subdivision.
 2. Extension approval shall be substantiated, at least in part, by 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. If granted, extensions shall be in writing and signed by the building official within ten (10) business days. Extension approvals may be subject to a renewal fee as established in the City fee schedule.
- D. 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 30 days of completion of the construction site for which they are permitted.
- E. Outdoor storage of equipment and construction materials shall be allowed on-site during the period of construction.
- 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 Certificate of Occupation (C.O.), or expiration of the building permit, whichever comes first. Temporary construction dumpsters shall not be required to be screened.
- G. A temporary sales or marketing office is permitted, subject to the requirements of this UDC. The office shall only be used 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.
- H. Temporary use of structures and equipment for the building of roads, public utilities, and government projects shall be permitted.

3.2.41 Tiny House Village Development

A. Purpose and Intent.

1. The purpose of this Section is to allow Tiny House Village Developments as compact, permanent residential neighborhoods consisting of detached dwellings arranged around common open space, pedestrian connections, and shared community amenities.
2. It is the intent of the City to promote housing variety, efficient use of land and public infrastructure, high-quality residential design, compatibility with surrounding neighborhoods, and safe long-term occupancy while avoiding adverse impacts on adjacent properties and public facilities.

B. Applicability. Review, and Site Plan Requirements.

1. A Tiny House Village Development shall be permitted only in the zoning districts identified in Table 3.1, B, Land Uses and shall comply with this Section, all applicable provisions of the UDC, and all applicable local, state, and federal laws.
2. Prior to issuance of any land disturbance permit, building permit, final plat approval, or certificate of occupancy, as applicable, the applicant shall obtain approval of a concept plan, site plan, preliminary plat, final plat, or other development approval required by the UDC.
3. The required site plan shall show, at a minimum, dwelling unit locations, setbacks, building separation, common open space, Village Center amenities, sidewalks and pedestrian connections, parking areas, refuse areas, utility layout, stormwater facilities, fire access, hydrant locations, landscaping, buffers, lighting, phasing, and proposed ownership and maintenance documents.
4. No Tiny House shall be occupied until all required permits, inspections, utility connections, access improvements, and certificates of occupancy have been issued in accordance with applicable law.

C. Density and Development Standards.

1. All tiny house village developments shall satisfy the following site design requirements.

Standard	Tiny House	Cottage Home
Floor Area	Not less than 450 square feet and not more than 600 square feet, excluding lofts, attached porches, garages, and accessory structures.	Not less than 1,000 square feet and not more than 1,250 square feet, excluding attached porches, garages, and accessory structures.
Building Code Treatment	Shall comply with applicable residential building code provisions for tiny houses, including any locally adopted tiny house appendix or alternative-materials approval accepted by the Building Official.	Shall comply with the Georgia State Minimum Standard Residential Code as a conventional detached dwelling.
Minimum Porch Area	At least 48 square feet.	At least 60 square feet.
Common Open Space	At least 300 square feet per Tiny House.	At least 400 square feet per Cottage Home.
Parking	At least one (1) off-street parking space per Tiny House, unless otherwise approved pursuant to the UDC.	At least two (2) off-street parking spaces per Cottage Home, unless otherwise approved pursuant to the UDC.

D. Size. The development shall have a minimum site area of three (3) acres.

E. Maximum Density. The maximum residential density shall not exceed fifteen (15) dwelling units per gross acre.

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- F. **Development Size.** Tiny House and Cottage Home Village Developments shall consist of a minimum of six (6) dwelling units. The maximum number of dwelling units shall be determined by the permitted density and compliance with all applicable provisions of this UDC.
- G. **Building Size Categories.** For purposes of this Section, a Tiny House shall contain not less than four hundred fifty (450) square feet and not more than six hundred (600) square feet of floor area, excluding lofts, attached porches, garages, and accessory structures. A Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.
- H. **Open Space.** A minimum of 30% of the tract shall be dedicated to common open space.
1. A minimum of three hundred (300) square feet of common open space shall be provided for each Tiny House, and a minimum of four hundred (400) square feet of common open space shall be provided for each Cottage Home.
 2. Required common open space shall be usable, improved, and designed as a central organizing feature of the development. Required common open space shall not include private yards, parking areas, vehicular areas, drive aisles, required buffers, required setbacks, refuse areas, or utility areas. Stormwater facilities, wetlands, floodplains, steep slopes, and similar constrained areas shall not count toward required common open space unless improved as a functional amenity and expressly approved by the City.
 3. At least fifty percent (50%) of the Tiny Houses and Cottage Homes shall be oriented toward the common open space, with the primary entrance or covered front porch facing the common open space.
 4. Every Tiny House and Cottage Home shall be located within 100 hundred feet walking distance of the common open space.
 5. The common open space shall be designed so that Tiny Houses or Cottage Homes abut at least two (2) sides of the common open space.
 6. Common open space shall be maintained in a safe and attractive condition and shall remain available for the common use and enjoyment of the residents of the development.
- I. **Access, Emergency Services, and Private Drives.**
1. All public streets, private streets, alleys, internal access drives, sidewalks, and pedestrian facilities shall be designed and constructed in accordance with applicable City standards, fire code requirements, and the approved site plan.
 2. The development shall provide adequate emergency vehicle access, fire apparatus access roads, turnarounds, address visibility, hydrant locations, fire flow, and building separation as required by the Fire Marshal and applicable fire codes.

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3. Private streets and internal access drives shall be subject to recorded maintenance obligations acceptable to the City prior to final plat approval or issuance of the first certificate of occupancy, whichever occurs first.

J. Village Center.

1. Every Tiny House Village Development shall provide a centrally located Village Center.
2. The Village Center shall serve as the focal gathering space for the development.
3. The Village Center shall include not fewer than two (2) of the following:
 - a. Community lawn;
 - b. Pavilion;
 - c. Playground;
 - d. Community garden ;
 - e. Fire pit;
 - f. Picnic area;
 - g. Mail kiosk;
 - h. Clubhouse;
 - i. Dog park; or
 - j. Walking trail(s)
4. The Village Center shall be connected to every dwelling unit by a continuous ADA-accessible sidewalk network.

K. Landscaping.

1. Street trees, in accordance with Section 13.8.4, Street Trees, shall be planted along all public and private streets.
2. Shade trees shall be provided throughout the Village Center.
3. Parking courts shall include landscape islands.
4. Existing mature trees should be preserved where practicable.
5. Native and drought-tolerant landscaping is encouraged.
6. **Buffers Adjacent to Residential Communities.** Where a Tiny House Village Development abuts an existing residential subdivision, single-family residential district, or other established residential community, a minimum twenty-five (25) foot landscaped buffer shall be provided along the shared property line. The buffer shall include an evergreen vegetative screen, supplemented as necessary with berms, decorative fencing, or walls, to provide year-round visual screening and compatibility with adjacent communities. Existing mature trees and natural vegetation within the buffer area shall be preserved to the greatest extent

practicable and may count toward the required buffer when approved by the Director.

7. **Buffer Maintenance.** Required buffers shall be maintained in a healthy, orderly, and attractive condition by the homeowners' association, property owners' association, condominium association, or other entity responsible for common area maintenance. Dead or diseased plant material shall be replaced within the next appropriate planting season, and no buildings, parking areas, drive aisles, stormwater facilities, refuse areas, or similar improvements shall be located within the required buffer except for approved pedestrian connections, utilities, fencing, walls, or landscaping improvements.

L. Parking Design.

1. A minimum of one (1) off-street parking space shall be provided for each Tiny House, and a minimum of two (2) off-street parking spaces shall be provided for each Cottage Home, unless a different parking requirement, reduction, or shared parking arrangement is approved pursuant to the UDC.
2. All required off-street parking shall be located on the site of Tiny House Village Development.
3. Parking may be provided within a garage, carport, parking court, parking structure, or as a surface parking area.
4. Surface parking areas shall be screened from public streets by one (1) or more of the following:
 - a. Building facades;
 - b. Garage doors;
 - c. Decorative fencing in combination with landscaping; or
 - d. Undisturbed landscaped buffers as approved by the Director.
5. Parking shall not be located within any required front yard.
6. Parking may be located between a principal structure and the rear property line or between a principal structure and an interior side property line, provided such side property line is not adjacent to a public street.
7. Large, uninterrupted surface parking areas are prohibited. Parking shall be arranged in small parking courts or other configurations that complement the pedestrian-oriented design of the development.
8. Parking areas shall not encroach into the village center.

M. Setbacks.

1. Where a Tiny House fronts a public street, the minimum front setback shall be fifteen (15) feet. Covered front porches may encroach into the required front setback by not more than seven (7) feet.

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2. Where a Tiny House fronts a private street or internal access drive, the minimum front setback shall be ten (10) feet. Covered front porches may encroach into the required front setback by not more than five (5) feet.
 3. A minimum separation of ten (10) feet shall be maintained between all principal structures.

N. Lot Design.

1. Lot dimensions within a Tiny House Village Development may be reduced below the minimum lot area, width, and depth otherwise required by the underlying zoning district, provided the development complies with all applicable requirements of this Section and the UDC.
2. A Tiny House Village Development may be developed on individual fee-simple lots, condominium units, rental lots, or a single commonly owned parcel, provided that access, utilities, common open space, maintenance responsibilities, and legal ownership arrangements are shown on the approved plans and recorded documents.

O. Utilities.

1. All Tiny Houses shall be served by public water and sanitary sewer.
2. Utilities shall be installed underground where feasible.
3. Individual utility meters shall be provided for each dwelling unless otherwise approved.

P. Prohibited Uses.

1. The following shall not be permitted within a Tiny House Village Development:
 - a. Recreational vehicles used as dwelling units.
 - b. Tiny Houses on Wheels.
 - c. Park model recreational vehicles.
 - d. Manufactured homes.
 - e. Mobile homes.
 - f. Shipping containers used as dwelling units.
 - g. Temporary structures intended for permanent residential occupancy.
 - h. Hotel, motel, campground, recreational vehicle park, transient lodging, or short-term rental use, unless such use is expressly authorized by a separate provision of the Code and approved by the City.

Q. Accessory Structures, Storage, Phasing, and Certificates of Occupancy.

1. Accessory structures, detached storage buildings, bicycle storage, mail kiosks, carports, garages, community buildings, and similar improvements shall be

shown on the approved site plan and shall comply with all applicable accessory structure, setback, building code, and design requirements.

2. Outdoor storage shall be prohibited except within approved enclosed structures or screened areas shown on the approved site plan. Storage of inoperable vehicles, construction materials, appliances, furniture, trash, or similar materials outside an enclosed structure is prohibited.
3. If a Tiny House Village Development is constructed in phases, each phase shall provide proportional common open space, parking, sidewalks, utilities, stormwater facilities, fire access, landscaping, buffers, and amenities necessary to serve that phase, as determined by the City.
4. No certificate of occupancy shall be issued for any Tiny House within a phase until required access, utilities, parking, sidewalks, fire protection, landscaping, buffers, common open space, and related common improvements serving that phase have been completed or guaranteed in a form acceptable to the City.

R. Additional Development Standards.

1. All required common open space, recreational amenities, private streets, sidewalks, and other common improvements shall be owned and maintained by a homeowners' association, property owners' association, condominium association, or other entity approved by the City. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, and maintenance of such common facilities.
2. Each Tiny House shall be equipped with, or designed to accommodate, clothes washer and dryer facilities through either:
 - a. Individual washer and dryer connections within each dwelling unit; or
 - b. A centralized laundry facility available for the exclusive use of residents within the Tiny House Village Development.
3. The use of permeable pavement, pervious parking areas, rain gardens, bioswales, and other low-impact development (LID) practices is encouraged to reduce stormwater runoff. All Tiny House Village Developments shall comply with the applicable stormwater management requirements of the UDC and all other applicable local, state, and federal regulations.

S. Design Standards.

1. **Building Orientation.** Tiny Houses shall be oriented toward a public street, private street, Village Center, or common open space. Primary entrances shall not face parking areas unless no reasonable alternative exists due to site constraints.
2. **Covered Front Porch.** Each Tiny House shall include a covered front porch with a minimum area of forty-eight (48) square feet, and each Cottage Home shall

include a covered front porch with a minimum area of sixty (60) square feet. Covered front porches may encroach into required front setbacks as provided in this Section.

3. **Exterior Building Materials.** Exterior building materials shall consist of brick, natural stone, manufactured stone, fiber-cement siding, wood, engineered wood siding, or comparable residential-quality materials approved by the Director. Reflective metal siding exposed unfinished concrete masonry units, and corrugated metal panels shall be prohibited as primary exterior wall materials.
4. **Roof Design.** Roofs shall have a minimum pitch of 6:12 unless an alternative architectural design is approved by the Director. Flat roofs shall be prohibited except for architectural elements such as porches or accessory structures.
5. **Building Entrances.** The primary entrance of each Tiny House shall be clearly defined through the use of porches, stoops, recessed entries, columns, or other architectural features.
6. **Mechanical Equipment.** Ground-mounted mechanical equipment, HVAC units, utility meters, and similar service equipment shall be screened from public view through landscaping, fencing, or architectural screening materials compatible with the principal structure.
7. **Refuse Collection.** Community refuse collection areas shall be enclosed on three (3) sides by masonry walls, decorative fencing, or comparable screening materials with an opaque gate.
8. **Lighting.** Exterior lighting shall be pedestrian-scaled and designed to minimize glare onto adjacent properties and public rights-of-way.
9. **Architectural Variety.** Building elevations, rooflines, colors, materials, and façade treatments shall incorporate variation throughout the development to avoid repetitive building designs. Adjacent Tiny Houses shall vary in at least three (3) of the following features: roof form or pitch, porch design, exterior wall material, trim details, window pattern, façade articulation, color palette, or front entry treatment.
10. **Front Elevations.** The front façade of each tiny home dwelling unit shall be composed of a minimum of 75% percent brick and/or stone, excluding windows, doors, and other architectural openings. The remaining portion of the façade may consist of complementary materials such as stucco, shake, or cementitious fiber cement siding.
11. **Water Table Requirement.** All side and rear elevations of tiny home dwelling units shall include a continuous masonry water table with a minimum height of four (4) feet measured from finished grade. The water table shall consist of brick or stone materials that are compatible with the primary materials used on the front façade and shall extend the full length of each side and rear elevation, except where interrupted by doors or other approved architectural features.

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12. **Prohibited Materials.** Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all tiny home dwelling units, including gables and eaves, unless otherwise expressly permitted by this UDC.

T. Ownership and Maintenance.

1. Common open space and common facilities shall be required for all Tiny House Village Developments.
2. Common open space and common facilities shall be owned and maintained by a homeowners' association, condominium association, property owners' association, or other legal entity approved by the City.
3. Prior to final plat approval, the developer shall submit recorded covenants, declarations, bylaws, or other legal documents establishing responsibility for the perpetual ownership, operation, maintenance, and repair of all common open space, private streets, sidewalks, recreational amenities, stormwater facilities, utilities, and other commonly owned improvements.
4. The City may require performance guarantees, maintenance agreements, or other assurances authorized by law to ensure completion and long-term maintenance of required common improvements.

3.2.43 Wrecker Services

- A. Wrecker service facilities that do not include any outdoor storage or operations shall be exempt from the contents of this section.
- B. The site design standards for wrecker services are set forth in the table below.

Development Feature	Standard
Minimum site area	2 acres
Screening requirements	Opaque wall or fence not less than 6 feet in height
Outdoor storage placement	Outdoor storage areas shall not be established closer to the front property line than the front plane of the principal building
Minimum planted buffer	15 feet wide for any portion of property adjacent to industrial zoned property; 30 feet wide abutting all other properties
Storage of vehicles	Towed vehicles shall be stored within an enclosed, secure area which shall not be accessible to the public. No wrecked vehicles shall be stacked within the storage area. Storage of non-business-related vehicles is prohibited. Storage areas shall be paved or graveled, and all driveways, drive aisles, and parking spaces shall be paved.

Minimum heated floor area of office/primary structure	1,000 square feet.
Building materials	Masonry front facade
Off-Street parking requirements	All required off-street parking shall be located outside of any secured vehicle storage area.

CHAPTER 4: DEVELOPMENT STANDARDS

4.1 Purpose and Intent

- A. The purpose of this Chapter is to establish procedures and standards for the development and subdivision of land. This Chapter aims to achieve the following:
1. Orderly and harmonious growth and development of new and established neighborhoods.
 2. Distribute population and traffic in a manner that will mitigate congestion and overcrowding.
 3. Dedicate or reserve parks, squares, and recreational areas, accessible to all residents to serve as community focal points.
 4. Set standards for landscaping and detailing of the public domain of streets, parks, and squares to promote a pedestrian oriented atmosphere and civic awareness.
 5. Provide for pleasing visual environments to ensure public health, safety and the general welfare to residents and visits of the City.
 6. Ensure the proper location, bulk ,size, and scale of buildings and structures.

4.2 Applicability

- A. These regulations govern all property within the jurisdictional limits of Stockbridge.
- B. All new development within the jurisdiction of this UDC shall conform to the provisions of this Chapter.
- C. All redevelopment of, and alterations or additions to, existing buildings, structures, and sites within the jurisdiction of this UDC shall conform to the provisions of this Chapter, unless all of the following are true of the subject redevelopment or alteration:
1. The gross increase in heated floor area would not be greater than 25% compared to that at the time of request; or
 2. The total cost of the work does not exceed 50% of the assessed property value compared to that at the time of the request.
- D. No construction or installation of improvements shall commence in a proposed development until the land disturbance permit has been approved and all applicable

plats, construction plans, and specifications have been approved by the appropriate authorities.

- E. No building or other permits shall be issued for erection of a structure on any lot not of record until all requirements of this UDC have been met.

4.3 Site Design Standards

4.3.1 Dimensional Standard Compliance

- A. No greater than one (1) single-family dwelling unit may be constructed on any one parcel except as otherwise allowed in this UDC.
- B. Except as specifically provided in this UDC, no parcel of land existing at the time of adoption of this UDC shall be reduced, subdivided, or otherwise altered to produce a parcel 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.

4.3.2 Encroachments

- A. The height limitations of this UDC, as imposed at the zoning district level, shall not apply to spires or other such structures, belfries, flagpoles, monuments, cupolas, domes, water towers, transmission towers, telecommunications towers, or other ornamental towers not intended for human occupancy.
- B. Nothing in this subsection shall preclude any height or dimensional requirement specific to any structure or feature type as provided in this UDC.
- C. Architectural features such as cornices, eaves, steps, landings, gutters, and fire escapes may encroach into a minimum required setback by no greater than three (3) feet, except where such projections would obstruct driveways, sidewalks, or access areas for emergency vehicles.

4.3.3 Open Space Requirements

- A. All developments with a cumulative parcel area greater than three (3) acres subject to the following requirements:
 - 1. Open spaces that are located within minimum required zoning buffers, stormwater management areas, or other areas that do not definitionally qualify as open space shall not count towards satisfying this requirement.
 - 2. Amenity Package Requirements found in Section 4.3.4, Amenity Package Requirements may be counted towards meeting the open space requirement.
 - 3. All minimum required open space shall consist of one or more of the following features:
 - a. Active Recreation (e.g. playground, athletic courts, swimming pool).
 - b. Open lawns or fields.

- c. Pedestrian paths or multi-use trails. Required sidewalk, bicycle facilities, multi-use paths greenways, trail connections, or public utility connections shall not count towards the minimum open space requirement. Extensions that are not part of an adopted plan or required public utility shall count towards the minimum open space requirement.
 - d. Passive landscaped open space (e.g. nature trails, natural buffers).
4. Open spaces shall be reasonably accessible to foot traffic.
 5. If the associated development contains any residential dwelling units, no less than 50% of the minimum required open space shall be designed for active recreation and use.
 6. Open space shall be protected in perpetuity by a binding legal instrument, as provided in Section 14.10, Requirements Regarding Ownership and Management of Open Space.

4.3.4 Amenity Package Requirements

- A. Table 4.3.4, Amenity Package Requirements provides a summary of amenity requirements depending on the number of lots within the subdivision or units within a development.

Table 4.3.4 – Amenity Package Requirements			
Size		Primary Amenities Required	Additional Amenities Required
0 to 99 lots		Pocket Park(s). This can be divided between multiple parks to be a combined total of a minimum of 1,500 sq. ft. in size; and Dog park or walking trails a minimum of 1,500 sq. ft in size	At least one (1) from Section 4.3.4, B
100 to 149 lots or units		Pocket Park(s). This can be divided between multiple parks to be a combined total of a minimum of 2,500 sq. ft. in size; and Dog park or walking trails a minimum of 2,500 sq. ft in size	At least two (2) from Section 4.3.4, B

150 to 299 lots or units		A clubhouse a minimum of 4,000 sq. ft in size	At least three (3) from Section 4.3.4, B
300 or more lots or units		Community Pool, Clubhouse, and Pocket Park(s) to be a combined total of 4,500 sq. ft in size	At least two (2) from Section 4.3.4, B
Non-residential or Mixed-Use (40,000 square feet gross floor area or more)		Central green or gathering area a minimum of 2,500 sq. ft in size; Walking Trails	

B. **Additional Amenities Required.** In addition to those minimum amenities required by Table 4.3.4, Amenity Package Requirements, any additional amenities required shall be selected from the following options:

1. Athletic courts (Any combination of tennis, basketball, volleyball, or pickleball courts);
2. Community garden and reflection area;
3. Community pool;
4. Dog park;
5. Fire pit and gathering area;
6. Fitness center;
7. Picnic area with grill and covered pavilion;
8. Playground;
9. Walking trail(s);
10. Any other amenity as approved by the Director.

4.3.5 Outdoor Lighting Standards

- A. **Purpose and Intent.** The intent of this UDC is to preserve, protect and enhance the lawful nighttime use and enjoyment of all property through use of appropriate lighting practices and systems, while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.
- B. **Applicability.** Outdoor lighting installed within the City shall be in conformance with the requirements established by this Section.
- C. **Exemptions.** The following shall be exempt from the provisions of this Section:
 1. All temporary emergency lighting needed by police or fire departments or other emergency services;

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2. All hazard warning luminaires required by federal regulatory agencies;
 3. All vehicular luminaires;
 4. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels;
 5. Holiday decorations;
 6. Signs;
 7. Street lights;
 8. Aesthetic lighting limited to interior roadway lighting with a maximum height of two (2) feet within a development, not intended to take the place of required street lighting, or lighting to be utilized within open space used to feature decorative plantings, sidewalks, walkways, or ornamental objects, such as fountains or similar features. Aesthetic lighting, although exempt from an iso footcandle plan, shall be identified on all design plans as to type of light and location to ensure appropriate use of aesthetic lighting in accordance with this Section.

D. Outdoor Lighting Regulations.

1. All outdoor lighting shall be installed in a way that does not cast light upon or adversely affects adjacent properties or roadways. This shall not apply to lighting established by governmental authority within public rights-of-way.
2. **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.
3. Lighting fixtures 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.
 - a. 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 greater off-site glare or light pollution
4. **Intensity Specifications.**
 - a. Lighting intensity within a site shall not exceed ten (10) foot-candles at any one point; however, the Director may permit a maximum intensity of 20 foot-candles provided that such lighting is otherwise in compliance with this ordinance.
 - b. Lighting intensity within a site shall not exceed 1.0 foot-candle at any property line abutting a parcel zoned or used non-residentially or adjacent to rights-of-way. Where the site abuts a parcel zoned or used residentially, lighting levels shall not exceed 0.5 foot-candles.

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- c. Wall-mounted lights shall be cut-off, and directed downward with a maximum output of 400 hundred watts per fixture.

E. Additional Requirements by Type.

1. Security Lighting.

- a. Security lighting shall be directed towards the targeted area and shall not be on poles taller than 25 feet.
- b. Security lighting shall be maintained in such a manner as to prevent glare and lighting into properties of others or into a public right-of-way, and the system also shall be designed and maintained so that lights are not activated by activity off of the subject property.

2. Outdoor Recreational Facilities.

- a. Illumination shall be provided by full cutoff luminaires, except for large areas, where luminaire supports inside the areas would restrict the function or compromise safety. Examples of such large areas include, but are not limited to, baseball, softball, soccer, football, and golf driving ranges. Shielded floodlights shall be used for these areas. Smaller areas, including tennis, volleyball, racquetball and handball courts, and swimming pools shall utilize full cutoff luminaires and shall conform to the requirements of this ordinance regarding light trespass. The average illuminance on ground shall not exceed 50 footcandles.

3. Landscape, Decorative, and Architectural Lighting

- a. Luminaires used to illuminate flags, statues, steeples, monuments, and other tall narrow objects shall be illuminated with the type of luminaire that directs the narrowest beam capable of illuminating the object. Illuminance at the level of the illuminated object shall not exceed 10 footcandles.
- b. Lighting on buildings for aesthetic purposes shall be directed downward from the top. Exception: selected portions of a building may be illuminated from below, if the portions illuminated total less than half of the vertical face. The average illuminance shall not exceed 10 footcandles.
- c. All outside illumination of any building and/or surrounding landscape, public or private, for esthetic, architectural, or decorative purposes is prohibited after 11:00 P. M. or when the business closes, whichever is later.

F. Plans Required. Prior to the issuance of a land disturbance permit or building permit for a project that involves the installation of outdoor lighting, a photometric illumination plan shall be provided by the applicant. The plan shall include the following information:

- 1. Location, type and height of all proposed light fixtures.

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2. Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site, measured in foot-candles. This plan shall demonstrate compliance with the lighting regulations of this UDC.
 3. Specifications and details for the fixture type being proposed, including the total lumen output, type of lamp and method of shielding.
 4. Any other information deemed necessary by the Director.

4.3.6 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.

4.3.7 Encroachment on Public Rights-of-Way

- A. No building, structure, fence, service area, parking facility/area, loading area, except driveways and permitted utilities 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.

4.3.8 Posting of Addresses

- A. Each dwelling unit and place of business shall have light-reflective numbers of the address posted and maintained in a prominent place on the property visible from the street providing public access.
- B. The numbers shall be at least three (3) inches in height with a contrasting background.

4.3.9 Dumpsters and Service Areas

- A. This section shall not apply to community or public recycling bins or drop boxes; however, the location shall be determined by the Director in accordance with the standards herein.
- B. **Utility Service Areas**
 1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the view from adjacent property or street (not including an alley).
 2. Screening shall consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material, and color.

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3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.

C. Dumpsters

1. Screening.

- a. All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said area with an enclosure of a minimum of eight (8) foot high, or two (2) feet taller than the highest point of the waste/grease container, compactor, or dumpster, whichever is greater, of solid masonry or decorative precast concrete walls. Fats, oils, and grease receptacles shall be provided within the enclosure.
- b. Bollards are required at the front of the enclosure walls to protect the enclosure from trash collection vehicles.
- c. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque, have self-latching mechanisms, be of colors consistent with the principal building, and be constructed of opaque metal. Chain link gates with or without opaque slats are not permitted.
- d. Where dumpsters are adjacent to parking areas, a three (3) foot landscaped buffer shall be provided that does not impede access into and out of vehicles.

2. Location.

- a. The dumpster shall be located to the side or rear of buildings and oriented away from view from the street (not including an alley).
- b. The consolidation of trash areas between buildings is encouraged.
- c. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over any street, sidewalk, alley, or interrupt parking lot circulation.
- d. Access to dumpsters shall be provided via a paved, dust-free surface.

3. The use of modern disposal and recycling techniques is encouraged.

4.3.10 Streetscape Standards

- A. **Applicability.** This Section shall apply to all parcels of land abutting any of the roadways known as 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 a higher order. All property contained within any parcel subject to this Section on the effective date 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 Standards.** The streetscape along the major arterial and collector roads 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 20 feet wide. The building frontage zone shall be provided between the edge of the pedestrian travel zone and the front façade of the adjacent building. The building frontage zone may be located within the public right-of-way as approved by the Director of Public Works or on private property
2. Pedestrian travel zones shall be a minimum of ten (10) feet wide, measured from the edge of the fixtures/planting zone and located within the public right-of-way or as approved by the Director of Public Works, 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. The fixtures/planting zone shall be provided between the back of curb and pedestrian travel zone and located within the public right-of-way or as approved by the Director of Public Works. Within the fixtures/planting zone:

- a. Shall contain street trees planted in accordance with Section 13.8.4, Street Trees.
- b. Pedestrian scale street light fixtures shall be installed, and spaced between 40 and 60 feet apart. If a driveway or similar access drive would exist between two fixtures, with a pavement width greater than 30 feet as measured at the right-of-way line, the maximum distance between the lighting fixtures on each side shall be increased to 80 feet.
- c. Benches shall be required at all locations where the abutting parcel is zoned or used commercially. Benches shall be spaced no greater than 500 feet apart.
- d. At least one (1) trash receptacle shall be placed at each street intersection, and along roadways, as to be spaced no greater than 500 feet apart.
- e. Bicycle racks, each with the capacity to secure at least two (2) bicycles, shall be required at all locations where the abutting parcel is zoned or used commercially or for multi-family residential. Racks shall be spaced no greater than 500 feet apart.

4.3.11 Access Management and Connectivity.

A. **Purpose.** The purpose of this Section is to set standards for the provision of access to development in a manner that preserves the safety and efficiency of the transportation system. The management of access is a means by which substantial public investment in the transportation system can be protected and the need for remedial measures eliminated or reduced.

B. Access Management.

1. All developments shall have access to a public right-of-way.
2. 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.
3. All residential lots in a subdivision shall only take direct access from within the subdivision.
4. Any access to a State highway shall be consistent with the requirements of the GDOT.
5. All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
6. Along thoroughfares, arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location. The Director may require the submission of a traffic analysis based on the scale and scope of the project to determine required improvements.
7. 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 Chapter 16, Infrastructure Improvements.
8. Access points, whether private commercial/industrial drives or city or county roadways, shall line up directly across from one another when possible.

C. Number of Access Points.

1. In order to ensure emergency vehicle access, every subdivision with more than 20 lots shall have at least two (2) continuously open points of ingress/egress from the existing street system.
 - a. Where a subdivision is providing two (2) or more connections to the existing street system, 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

- b. A subdivision on a single, dead-end street, containing 20 or fewer lots shall not be required to provide two (2) points of ingress/egress. Such streets must be designed to connect to existing, planned or platted streets with a stub-out, where applicable.
 - c. Where a subdivision is allowed one (1) point of access, that entrance street shall be designed with a three (3) lane divided entrance street. The right turn lane shall be required to have a 75 radius to provide needed lateral separation between two (2) vehicles exiting at the same time.
2. Industrial and freight-oriented developments shall provide at least (2) continuously open points of ingress/egress. One open point shall be dedicated for employee passenger vehicle and the other for freight vehicles, where feasible. The right turn lane shall be required to have a 75 foot radius to provided needed lateraled separation between two (2) vehicles exiting at the same time.
3. **Limitations.** Within any zoning district where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be in accordance with Table 4.3.11.C, - Access Limitation Requirements.

Table 4.3.11.C – Access Limitation Requirements	
Property Frontage Length	Number of Access Points
Up to 100 feet	1
101-200 feet	2
201 feet or more	2, plus 1 or as approved by the Director

D. Additional Requirements.

1. Within any residential zoning district 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:
 - a. At street intersections, no curb cut shall be located within 50 feet of the intersections of two (2) curb lines or such lines extended, or within 15 feet of the intersection of two (2) property lines extended.
 - b. 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 20 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.
 - c. All driveways shall be constructed to be at least two (2) feet from any property line.
 - d. The maximum width of any standalone driveway shall not exceed 20 feet measured at the right-of-way line.

- e. The maximum width of any curb cut, including curb returns, shall not exceed 30 feet.
 - f. The sum of the two (2) curb return radii for any one (1) curb cut shall not exceed 15 feet.
2. Within any non-residential or mixed-use zoning district 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:
 - a. At street intersections, no curb cut shall be located within 50 feet of the intersections of two (2) curb lines or such lines extended, or within 15 feet of the intersection of two (2) property lines extended.
 - b. All driveways shall be constructed to be at least five (5) feet from any property line.
 - c. The maximum width of any driveway shall not exceed 40 feet measured at the right-of-way line.
 - d. The maximum width of any curb cut, including curb returns, shall not exceed 50 feet.

E. Driveway Separation.

1. 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 requirements in accordance with Table 4.3.11.E, Driveway Separation.

Table 4.3.11.E – Driveway Separation	
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

2. For intersecting roadways that are not classified as collector or above and have posted speed limits 30 miles per hour or less, private commercial/industrial driveways may be allowed to have a reduced offset requirement at the City's or Henry County Department of Transportation's discretion.

F. Proposed Streets.

1. 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.

G. Joint Access.

1. Joint access driveways and cross access easements shall be in accordance with the following provisions:
2. 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:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation;
 - b. Stubbing a connection to the adjacent parcel at the property line; and
 - c. Sufficient separation between side street access to the property and the major road to ensure safety.
3. In order to ensure continuous availability of access to all properties, all property owners shall:
 - a. 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;
 - b. 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
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

4.4 Architectural Guidelines**4.4.1 General Requirements****A. Design Composition.**

1. The exterior design of buildings should be complementary with the prevalent architectural features of the surrounding neighborhood, block, or street, especially in areas that have established and recurring architectural exterior patterns and features,
2. Materials shall be selected for their suitability to the type of building and design for which they are used. Any piecemeal embellishment and frequent changes in material should be avoided.
3. All sides of the building shall use materials that are consistent with those on the front façade, if they are visible from public streets or neighboring properties; and they shall be carefully designed with similar detailing, comparable quality, and compatible materials.

B. Exterior Finish Materials.

1. Exterior finish materials shall be identified in the approved Exterior Finish Materials List maintained by the Planning and Zoning Department. All exterior

walls (not including windows and doors) for all new construction shall consist of the following permitted building materials, as applicable:

- a. Brick, or brick veneers, except that only natural brick may be used for residential buildings. Brick veneer walls shall use full-depth brick;
 - b. Natural stone such as, but not limited to, granite, limestone, and acid marble. Terra cotta or cast stone which simulate natural stone are also acceptable. Painted stone and stone veneers are not allowed;
 - c. Split-face block/concrete masonry unit (CMU) is restricted to a maximum of 20% of the façade;
 - d. High-grade stucco;
 - e. Natural wood or cementitious fiberboard siding;
 - f. Glass. Glazing shall be clear or slightly tinted (not opaque nor highly reflective) glass;
 - g. Vinyl siding with a nominal thickness of forty-six one-thousandth (0.046) inches; or
 - h. Metal or cementitious composite board siding may be used in the eaves and soffits of a building.
2. Prohibited exterior materials, unless allowed herein, include:
- a. Non-architectural metal panel systems;
 - b. Softwood plywood grade B or lower, oriented strand board and particle boards;
 - c. Unfinished cast-in-place or precast concrete vertical elements (e.g., walls, columns, exposed elevated slab edges);
 - d. Exposed concrete block;
 - e. Aluminum siding; or
 - f. Metal screens or bars covering window openings.

4.4.2 Requirements for Industrialized or Modular Homes

- A. A dwelling unit manufactured in accordance with Georgia Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia Department of Community Affairs shall meet the following standards:
1. A minimum width in excess of 12 feet.
 2. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.
 3. A minimum roof pitch of 5:12, which means having a pitch equal to at least five (5) inches of vertical height for every 12 inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this ordinance may be extended, enlarged, or repaired as otherwise provided by this

ordinance with the same roof pitch as that allowed by the previous building permit.

4. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles. Other roof materials may be used where specifically approved by the Director.
5. A curtain wall, un-pierced except for required ventilation and access, shall be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material.
6. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
7. Utility meters shall be mounted to the structure rather than on a utility pole.
8. A landing shall be installed at each doorway. The minimum size of the landing shall be four (4) feet by six (6) feet (excluding steps) at each doorway. The structure shall include steps which lead to ground level, and both landing and steps shall meet the requirements of the Standard Building Code.
9. 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:
 - a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.
10. The dwelling shall be installed in accordance with O.C.G.A. § 8-2-110 et seq., and the rules promulgated thereunder.

4.4.3 Requirements for Manufactured Homes

- A. A dwelling unit manufactured with the Secretary of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of

1974, 42 U.S.C. Section 5401, et seq., as amended, shall meet the following development standards:

1. A minimum width of 12 feet.
2. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.
3. Any dwelling unit for which a building permit was obtained prior to the adoption of this ordinance may be extended, enlarged, or repaired as otherwise provided by this ordinance with the same roof pitch as that allowed by the previous building permit.
4. A curtain wall, un-pierced except for required ventilation and access, shall be installed so that it encloses the area located under the home to the ground level. Such a wall shall be non-load bearing and have a minimum thickness of four (4) inches when constructed of masonry, brick, stone finish, or similar material. When metal or molded curtain walls are used, they must be attached to treated wood framing that is no more than 24 inches on center or metal channel framing.
5. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
6. All axles, tongues, and transporting and towing apparatus shall be removed before occupancy.

4.4.4 Requirements for Single-Family Detached and Attached (includes duplex, triplex, quadraplex)

A. Design Composition.

1. The front facades shall include at least two of the following architectural modulation and details:
 - a. Varied materials and wall planes;
 - b. Varied roof forms and roof lines;
 - c. Balconies;
 - d. Porches;
 - e. Bay windows;
 - f. Varied window sizes and shapes;
 - g. Shutters;
 - h. Entrance doors;
 - i. Sidelights;
 - j. Pilasters;

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- k. Varied garage door designs;
 - l. And other features as approved by the Director.
 - 2. Identical facades shall not be used for more than two (2) dwellings or buildings on the same block face, or for buildings that face each other across a street. For townhomes, identical façade designs must not be used for more than six (6) on the same block face, or for buildings that face each other across a street. Differentiation between adjacent facades may be accomplished by a change in materials, building height, color, or roof form.
 - 3. The dwelling shall be attached to a permanent foundation. The foundation shall be concrete or masonry blocks joined by mortar or both.
 - 4. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each. In cases where homes fall off in grade toward a basement condition, the brick or stone water table shall be extended along the sides and rear to achieve the same height as exists on the front of the home.
 - 5. 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 18 inches and a minimum width of six (6) inches.
 - 6. **Garages.**
 - a. A minimum of two (2) car garages shall be required for all single-family detached residential structures. Side or rear entry garages shall be required.
 - b. Two (2) car garages are required for each unit of a duplex.

B. Exterior Finish Materials.

- 1. Exterior building materials shall be primarily brick, stone, other masonry, glass, stucco, shake, wood, or cementitious fiberboard siding.
- 2. Buildings in the CCR zoning district are required to be at least 75% brick or stone on all four (4) facades of the building with the remaining 25% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the facades shall be constructed of metal or steel.
- 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.

C. Roof Requirements.

- 1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.

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2. The minimum roof pitch of a single-family home shall be 4:12. Porches, stoops, and dormers are exempt from this requirement.

D. Mechanical Equipment Screening.

1. 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:
 - a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.

4.4.5 Requirements for Single-Family Detached and Attached (townhomes)

A. Architectural Image and Character.

1. Townhome developments shall be designed to maintain a high-quality residential character through appropriate building massing, architectural detailing, materials, and façade articulation. These standards are intended to promote durable, attractive, and compatible development while allowing flexibility in architectural style, provided the minimum requirements of this section are satisfied.

B. Design Composition.

1. Building design shall incorporate durable, high-quality exterior materials that are compatible with the architectural character of the surrounding area.
2. Primary exterior materials shall consist of brick, natural stone, stucco, or cementitious fiber cement siding. Natural stone is preferred; however, manufactured stone may be permitted when approved by the Community Development Department and determined to be of comparable quality and appearance.
3. Rear elevations shall be constructed of brick, stone, stucco, cementitious fiber cement siding, or another approved material that is architecturally compatible with the front façade.
4. Exterior colors shall consist of a cohesive and complementary color palette.
5. Bright, fluorescent, or highly reflective colors shall be prohibited except as minor accent colors approved by the Community Development Department.
6. Front elevations and elevations facing a public street or common open space shall incorporate a minimum of three (3) exterior materials and three (3) complementary colors.

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7. Interior side and rear elevations shall incorporate a minimum of two (2) exterior materials and two (2) complementary colors.
 8. Two (2) car garages are required.
 9. Brick, stone, wainscot, or other approved primary façade materials shall wrap a minimum of two (2) feet around all exterior building corners.
 10. Primary façade materials shall extend the full width of each front elevation and any elevation facing a public street or common open space.
 11. Material transitions shall occur at logical architectural breaks and shall not terminate abruptly at outside corners.

C. Exterior Finish Materials.

1. The front façade of each townhome dwelling unit shall be comprised of not less than 75% percent brick. The remaining 25% percent of the front façade may consist of stone, stucco, cementitious fiber cement siding, shake, or other materials approved by the Unified Development Code.
 - a. For purposes of calculating façade materials, doors, windows, garage doors, gables, and eaves shall not be included in the calculation.
2. The front and side façades of each dwelling unit shall consist of primary exterior materials, including brick and/or stone, together with complementary secondary materials such as stucco, shake, or cementitious fiber cement siding, provided that cementitious fiber cement siding shall not exceed 30% percent of the total exterior wall area.
3. The rear elevation may consist of brick, stone, stucco, cementitious fiber cement siding, or a compatible combination of these materials. All exterior materials shall be architecturally compatible with the front façade.
4. Vinyl siding, metal siding, aluminum siding, and other similar materials shall be prohibited on the front, side, and rear elevations of all townhome dwelling units, including gables and eaves, unless otherwise expressly permitted by this Unified Development Code.

D. Building Features.

1. The primary entrance to each townhome building shall be clearly identifiable and emphasized through the use of an appropriately scaled architectural feature, such as a porch, portico, canopy, recessed entry, or similar architectural element.
2. Canvas or fabric awnings shall not be permitted at primary building entrances unless specifically approved by the Community Development Department as an integral component of the building's architectural design.
3. For multifamily-style townhome buildings with a common entrance, the primary entrance shall provide direct access to a vestibule or interior lobby.

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4. Each dwelling unit shall include either a functional balcony or, for ground-floor units, a private patio or other usable outdoor living space.
 5. Juliet balconies may be permitted when architecturally integrated into the overall building design.
 6. Exterior elevated walkways, exterior landings, and exterior common stairways providing primary access to individual dwelling units shall be prohibited.

E. Architectural Details and Orientation.

1. Where thin veneer brick or manufactured stone is utilized as an exterior finish material, the material shall wrap around exterior building corners a minimum of 24 inches or terminate at an inside corner to provide the appearance of full-depth masonry.
2. Trim surrounding windows, doors, building corners, rooflines, and changes in exterior materials shall be architecturally proportionate and shall have a minimum nominal width of four (4) inches.
3. Trim colors shall complement or appropriately contrast with the primary exterior building materials.
4. Where shutters are provided, they shall be proportionate to the adjacent window opening and sized to appear functional.
5. Roof eaves and overhangs shall project a minimum of 12 inches, unless an alternative architectural treatment is approved by the Community Development Department

F. Massing and Roof Forms.

1. Townhome buildings shall not exceed two and one-half (2½) stories in height when viewed from the fronting public or private street. Any above-grade parking level visible from the street shall be considered a story and shall be included in the maximum building height calculation.
2. Townhome buildings shall incorporate pitched roofs. Acceptable roof forms include gable, hip, shed, or similar residential roof styles. False parapets or other architectural elements intended solely to conceal a pitched roof or create the appearance of a flat roof shall be prohibited.
3. Dormers, where provided, shall be functional, proportionate to the building, and architecturally integrated into the overall design. Dormers used to conceal mechanical equipment may be permitted, provided they remain consistent with the architectural character of the building.
4. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.

G. Mechanical Equipment Screening.

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1. 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:
 - a. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.
 - b. 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.

H. Maintenance.

1. All exterior architectural features, building materials, landscaping, and design elements required by this section shall be maintained in good repair throughout the life of the development. Replacement materials shall be substantially similar in appearance, quality, and design to the originally approved materials unless otherwise approved by the Community Development Department.

I. Review and Approval.

1. Architectural elevations and site plans shall be reviewed by the Community Development Department as part of the applicable development review process, including site plan approval, subdivision approval, or other applicable development applications. Approval of the architectural elevations shall be required prior to the issuance of any land disturbance or building permit.

J. Site Development Standards.

1. Landscaping shall comply with the applicable provisions of Chapter 13, Buffers, Landscaping, and Tree Protection, of the UDC.
2. All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy unless an alternative installation schedule or financial guarantee is approved by the City in accordance with the Unified Development Code.

4.4.5 Requirements for Multi-Family Residential (includes apartments and condominium buildings)

A. Design Composition.

1. Building designs shall incorporate at least two (2) of the following features. The maximum wall length without façade features shall not exceed 30 feet.
 - a. Columns;
 - b. Windows;
 - c. Doors;
 - d. Balconies;
 - e. Pilasters;

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- f. Changing rooflines;
 - g. Cornice;
 - h. Porch entrances;
 - i. Tower elements;
 - j. Architectural patterns and texture;
 - k. Cupola; or
 - l. Dormers.
2. For buildings 100 feet or more in length, at least two (2) portions of the street-facing façade must have a wall projection or recess which are a minimum of three (3) feet in depth and a minimum of 20 contiguous feet long. The combination of the required variations in setback must total no less than 20% of the length of the building.
 3. Window systems shall be recessed from the façade of the building a minimum of three-quarters (0.75) inches. This reveal may be achieved through the design of the window casing reveals and frames, the use of a brick sill, or recessing the front face of the upper sash from the exterior wall plane. Alternative detailing that achieves a similar degree of depth and visual articulation may be approved by the Director.
 4. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each.
 5. The building design shall include a minimum of a one (1) foot deep cornices along the entire front facade of the building and extending for a distance of at least ten (10) feet along the sides of the building.

B. Exterior Finish Materials.

1. Exterior building materials shall be primarily brick, stone, other masonry, stucco, shake, wood or cementitious fiberboard siding.
2. Stand-alone multi-family buildings are required to be at least 75% brick or stone on all four (4) facades of the building with the remaining 25% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the facades shall be constructed of metal or steel.
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. Roof Requirements.

C. Roof Requirements.

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1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the director.

2. **Roof Types.**

- a. Mansard roofs shall have a maximum pitch of 12:12 and a minimum twelve-foot vertical surface length.
- b. Flat roofs shall include parapet articulation on the front facade(s) of such building.
- c. Green roofs shall be highly recommended and will be reviewed on a case-by-case basis.
- d. Gable roofs shall have a minimum roof pitch of 4:12. Porches, stoops, and dormers are exempt from this requirement.

- D. **Site Requirements.**

1. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.
2. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.

4.4.6 Requirements for Non-Residential (includes mixed-use, commercial, institutional, industrial, etc.)

- A. All buildings constructed within a MUS, MU, PUD, C-1, C-2, OI, LI, or HI zoning districts shall meet the development standards and the appearance standards set forth in this section. "Buildings" shall include all commercial, office, institutional, and industrial buildings.

- B. **Design Composition.**

1. Building designs shall incorporate at least two (2) of the following features:
 - a. Columns;
 - b. Storefront;
 - c. Windows;
 - d. Piers;
 - e. Pilasters;
 - f. Changing rooflines;
 - g. Variation in setback of the facades;
 - h. Cornice;
 - i. Tower element;
 - j. Architectural Patterns and Texture;

-
- k. Cupola; or
 - l. Dormers.
2. For buildings 100 feet or more in length, at least two (2) portions of the street-facing façade must have a wall projection or recess which are a minimum of three (3) feet in depth and a minimum of 20 contiguous feet long. The combination of the required variations in setback must total no less than 20% of the length of the building.
 3. Building designs shall integrate at least one (1) material changes and color variation averaged over each façade. Buildings with facades longer than 100 feet shall have an articulated façade that incorporates at least one (1) significant modulation that includes a variation in setback of the facades and/or color and texture change.
 4. All windows shall be consistent with the decorative façade design, considering materials and colors.
 5. A water table a minimum of 24 inches in height from finished grade on all sides of the building shall be faced with brick, stone, or a combination of each
 6. 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 facade of the building and has the approval of the building owner and the Director.
 7. A pedestrian entrance which faces an abutting public street, or the nearest public vehicular access drive if there is no abutting public street. This pedestrian entrance shall be a primary entrance that is open to guests or customers during the hours of operation of the subject building.

C. Exterior Finish Materials.

1. Exterior building materials shall be primarily brick, stone, other masonry, stucco, or EIFS.
2. Commercial and mixed-use buildings in the MUS, MU, PUD, C-1, C-2, or OI zoning district are required to be at least 75% brick or stone of the façade area on all four (4) facades of the building. The remaining 15% shall be a combination of glass, stucco, wood or cementitious fiberboard siding, paneling, or metal. A maximum of ten percent (10%) of the façade area shall be constructed of metal or steel. For the purposes of these calculations, "façade area" includes the area of parapets, windows, and doors.
3. Industrial buildings in the MUS, MU, PUD, LI, or HI zoning district shall maintain a decorative façade on that portion of the building that faces 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.

4. Facade colors and materials shall be limited to three (3) per facade face. They shall either be complementary to the materials that are already being used in the neighborhood; or, if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that the building related to the rest of the neighborhood.
5. All facades that are visible from a public street or park/open space shall utilize high-quality finish materials.
6. 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.

D. Roof Requirements.

1. Roof materials shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, or natural wood shake. Other roof materials may be used where specifically approved by the Director.
2. **Roof Types.**
 - a. Mansard roofs shall have a maximum pitch of 12:12 and a minimum twelve-foot vertical surface length.
 - b. Flat roofs shall include parapet articulation on the front facade(s) of such building.
 - c. Green roofs shall be highly recommended and will be reviewed on a case-by-case basis.
 - d. Gable roofs shall have a minimum roof pitch of 4:12. Porches, stoops, and dormers are exempt from this requirement.

E. Site Requirements.

1. 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.
2. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.
3. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.

4.4.7 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 commercial 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 40,000 square feet of floor area shall comply with the design standards contained in this section in addition to those contained in Section 4.4, Architectural Guidelines and 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 in Table 4.4.7.C, Building Design Standards for Establishments over 40,000 square feet.

Table 4.4.7.C – Building Design Standards for Establishments over 40,000 square feet	
DEVELOPMENT FEATURE	STANDARD
Design Composition	• Arcades, display windows, entry areas, or awnings shall be provided along at least 60% 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.

- D. **Site Design Standards.** Site design shall meet the standards below in Table 4.4.7.D, Site Design Standards for Establishments over 40,000 square feet.

Table 4.4.7.D – Site Design Standards for Establishments over 40,000 square feet	
DEVELOPMENT FEATURE	STANDARD
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 a minimum of 100 feet from any residentially zoned property.
Dumpsters	• Enclosed with materials compatible to the principal building, except for an access gate, and screened from view from adjacent properties and from the public right-of-way.
Open space	• A minimum of 20% of the site shall be landscaped open space.
Pedestrian Access	• Decorative walkways within landscape medians and around larger parking pods are required for every five (5) drive or

	parking aisles to provide safety and space for pedestrians. A drive or parking aisle shall include both sides available for parking. • If required within a site, the material for these connections shall be a decorative paving material (i.e., stamped or textured concrete, pavers, or color concrete) to delineate the pedestrian crossing. • A pedestrian connectivity plan must be approved by the Director. This plan must provide the proposed pavement design, indicate proposed pedestrian walkways within the site, and indicate connections to other sites.
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4.4.8 Mechanical Equipment

- A. **Exemptions.** Free-standing or roof-mounted renewable energy systems such as solar panels are exempt from these screening requirements, where such screening would interfere with the function of said renewable energy systems. Exemptions shall be reviewed and approved by the Director.
- B. **Roof-Mounted Equipment.**
 1. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent street (not including an alley) through one of the following techniques:
 - a. Enclosing the utility within a roof that is integrated into the building form;
 - b. Locating the utility within an enclosed mechanical penthouse whose materials and detailing complement the building architecture;
 - c. Locating the utility far enough from the parapet so as to be effectively invisible from adjacent public rights-of-way.
 2. Roof-mounted equipment shall be compatible with the principal building in terms of texture, quality, material, and color.
- C. **Wall-Mounted Equipment.**
 1. Wall-mounted equipment shall not be located on any surface that directly faces a street (not including an alley).
 2. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
- D. **Ground-Mounted Equipment.**
 1. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.
 2. Screening shall consist of landscaping or an opaque screen of brick, wood, or masonry materials compatible with the principal building or landscaping.

CHAPTER 5: PARKING REQUIREMENTS

5.1 Purpose

- A. The intent of this Chapter is to ensure the appropriate location, quantity, and quality of off-street parking and loading areas and to ensure that all developments provide adequate and safe storage and movement of vehicles consistent with safe and inclusive site design principles.

5.2 Applicability

- A. Except as provided in this Chapter, 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 arrangement and quantity of spaces reserved for off-street parking and loading. If no building permit is required prior to the commencement of a particular land use, compliance with the requirements of this Chapter shall be determined prior to the issuance of a Certificate of Occupancy (C.O).
- 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, an adequate quantity of off-street parking shall be provided for the entire site.
- 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.
- E. With the exception of restriping parking lots or other routine maintenance which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Chapter.

5.3 Maintenance

- A. 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.
- B. Signs located within parking lots and painted lines for parking lots and buffers shall be well maintained.

5.4 General

5.4.1 Location

- 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 400 feet of the nearest boundary of the lot upon which the use is located measured by the shortest distance separating the sites.
- B. No required parking shall be permitted in any required landscape area or buffer.
- C. **Single-family and Two-Family Dwellings.** Parking areas that serve detached single-family and two-family residences shall be located on-site and shall meet the following requirements:
 - a. Unenclosed parking spaces may occupy a side yard, and no more than 50% of a required rear yard.
 - b. 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.
 - c. Garage and carport spaces shall be considered parking spaces.
- D. **Townhomes Developments** Parking areas that serve townhouses shall adhere to the following requirements:
 - a. Unenclosed parking spaces may occupy a side yard, and no more than 50% of a required rear yard.
 - b. 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.
 - c. Garage and carport spaces shall be considered parking spaces
 - d. No off-street parking space or driveway shall be located within ten (10) feet of any property boundary, except for portions of a driveway intended to connect a garage or carport to the street, rather than for parking.
- E. **Multi-Family Developments.** Parking areas that serve multi-family residences shall adhere to the following requirements:
 - a. Parking areas be prohibited within the required setback for the front yard and the side corner yard.
 - b. Driveways shall not be located nearer than ten (10) feet to any side or rear property line.
 - c. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single-family residence, nor within ten (10) feet of any other property line.

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- F. **Non-Residential.** Parking areas that serve non-residential land uses shall adhere to the following requirements:
- a. Parking areas shall be prohibited within the required setback for the front yard and the side corner yard.
 - b. No off-street parking shall be permitted within 25 feet of any property line which adjoins a single-family residential district or use.

5.4.2 Vehicle Parking in Residential Districts

A. **Commercial Vehicle Parking.**

1. Except as provided herein, no open parking, open storing, or maintaining of any commercial vehicle shall be allowed to park on any residential lots, residential complexes, developments, or subdivisions, and in all residential zoning districts.

B. **Exceptions.**

1. Any commercial vehicle actively engaged in loading or unloading of merchandise or passengers or actively servicing a customer.
2. Any government vehicle or other vehicle used for the primary purpose of transporting children to and from non-profit organizations, or state licensed accredited schools may park in said districts provided that such vehicle is not parked on any public street and is parked in the side or rear yard behind the main building line of the driver's dwelling.
3. Trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use.
4. Trucks under four (4) tons in empty weight.

C. **Recreational Vehicle (RV), Equipment, Truck, and Trailer Parking.**

1. Except as provided herein, no motorized or non-motorized recreational vehicles, equipment, or trailers shall be parked or stored on any residential lots, residential complexes, developments, or subdivisions, and in all residential zoning districts for more than 24 hours unless one of the following conditions is satisfied:
 - a. The motorized or non-motorized recreational vehicle, equipment, or trailer is parked in a side or rear yard behind the main building line in accordance with other sections of this ordinance.
 - b. The motorized or non-motorized recreational vehicle, equipment, or trailer is parked under a carport or in an enclosed building.
2. 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.

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3. The 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:
 - a. Family hardships and catastrophic events.
 - b. Temporary dwelling when a primary structure is being built or modified on the same property.
 - c. No more than one (1) such vehicle is allowed to be occupied on-site at any one (1) 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 90 consecutive days.

5.5 Parking Calculation Requirements

- A. **Fractional Measurements.** When units or measurements determining number of required off-street parking spaces result in the requirement of a fractional space, then such fraction 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 Chapter.
- D. 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.
- E. **Minimum Space Requirements for Uses Not Identified.** Where the need for parking of a particular use is uncertain due to unknown/unusual operating characteristics or where the use is not specifically identified in the Parking Calculation Table, the Director shall determine the most similar land use provided in the table and apply the parking regulations therein

5.6 Required Parking Spaces and Loading Spaces

- A. Unless otherwise expressly stated in this UDC, parking ratios shall be as per the Table 5.6.A – Parking Ratios.
- B. Unless otherwise expressly stated in this UDC, parking ratios shall be as per the Table 5.6.B – Loading Space Requirements.

Table 5.6.A – Parking Ratios

Land Use Group	Land Use Examples (including but not limited to)	Minimum Parking Quantity Requirement	Maximum Parking Quantity Requirement
Adult entertainment establishments		10 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Assembly places with fixed seating	Stadiums/auditoriums Theaters/amphitheaters	1 per 4 fixed seats	1 per fixed seat
Assembly places without fixed seating	Meeting halls Libraries	3 per 100 sq. ft. of assembly room space	6 per 100 sq ft of assembly room space
Auto dealerships, sales & service	New car sales Used car sales Service and parts	6 per 1,000 sq. ft.	12 per 1,000 sq ft
Child care and kindergartens	Day care centers Pre-school	1 per classroom or activity room	3 per classroom or activity room
Churches and other places of worship		1 per 20 sq. ft. of space in the main assembly area(s)	Parking shall not exceed 150% of the Minimum Requirement
Clubs and lodges	Country clubs Fraternal organizations	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
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	Parking shall not exceed 150% of the Minimum Requirement
Custodial care	Assisted living	2.5 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Dance studios		10 spaces per 1,000 sq. ft.	Parking shall not exceed 150% of the

			Minimum Requirement
Dormitories and related	Dormitories Fraternity houses Sorority houses Boarding houses	1 per bedroom	Parking shall not exceed 150% of the Minimum Requirement
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	Parking shall not exceed 150% of the Minimum Requirement
Financial institutions	Banks Credit unions Brokerage houses	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Funeral homes		1 per 3 fixed seats, plus 1 for each 25 sq. ft. in the largest assembly room	Parking shall not exceed 150% of the Minimum Requirement
Golf course, public and private, without club facilities		50 spaces per 9 holes	Parking shall not exceed 150% of the Minimum Requirement
Health care facilities	Hospitals Out-patient clinics Convalescent home Nursing home	1 per 4 beds, plus 1 per 3 employees	1 per bed
Hotels and motels	Apartment hotels Hotels Motels	1 per room	Parking shall not exceed 150% of the Minimum Requirement
Industrial and manufacturing	Assembly plants Fabrication plants Factories	1 per 2,000 sq. ft.	3 per 1,000 sq ft
Laboratories, scientific and related	Experimental labs Fabrication plants Factories	1per 2,000 sq. ft.	3 per 1,000 sq. ft.
Medical offices Related facilities	Dental offices Doctor's offices Veterinary offices Clinics	4 per 1,000 sq. ft.	8 per 1,000 sq ft

Mini-warehouses		1 per employee, plus 1 per 5,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Offices, general	Freestanding offices Office towers Office parks Offices associated with other uses	3 per 1,000 sq. ft.	Parking shall not exceed 150% of the Minimum Requirement
Personal service establishments	Barber shops Beauty parlors Laundromats/dry cleaners	5 per 1,000 sq. ft.	12 per 1,000 sq ft
Race track		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 other spectator area	Parking shall not exceed 150% of the Minimum Requirement
Recreational facilities, indoor	Billiard parlors Game rooms Arcades Skating rinks Physical fitness centers Museums Bowling alleys	5 per 1,000 sq. ft.	10 per 1,000 sq ft
Recreation, private	Sports court	4 per court	8 per court
	Swimming pool	6 per adult swimming pool , plus 1 per 15 dwelling units beyond 60 served	Parking shall not exceed 150% of the Minimum Requirement
Recreation, public	Sports Courts	4 per court	8 per court
	Playing Fields	50 per field	100 per field
	Driving Range	2 per tee	4 per tee
	Miniature golf	20 per 18 holes	40 per 18 holes
	Swimming pool	20, plus 1 per 50 sq. ft. of pool area	40, plus 1 per 50 sq. ft. of pool area
Recycling centers		3 spaces per 2,000 sq. ft. of building floor area and 2 spaces per outdoor	Parking shall not exceed 150% of the Minimum Requirement

		recycling collection container; plus loading spaces	
Residential, cottage court village development	Cottage home residence	2 space per dwelling unit, plus 1 guest parking space per 5 dwelling units	3 spaces per dwelling unit
Residential, townhome		2 space per dwelling unit, plus 1.4 guest parking spaces (studio or 1 bedroom); 2 guest parking spaces (2 bedroom); 2.25 guest parking spaces (3 bedroom)	
Residential, multifamily (fewer than 40 units/acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1 per dwelling unit 2 per dwelling unit 2 per dwelling unit	2 per dwelling unit 3 per dwelling unit 4 per dwelling unit
Residential multifamily high-rise (40 + units/acre)	1 bedroom or efficiency unit 2-bedroom unit 3-bedroom unit	1. per dwelling unit 1.5 per dwelling unit 2 per dwelling unit, plus 2 guest parking spaces per unit	2 per dwelling unit 3 per dwelling unit 4 per dwelling unit
Residential, single-family	Detached dwelling Duplexes Mobile homes Townhouses	2 per dwelling unit , plus 1 guest parking space per 5 dwelling units	Not applicable
Residential, tiny house village development	Tiny home residence	1 space per dwelling unit, plus 1 guest parking space per 5 dwelling units	3 space per dwelling unit
Residential, retirement home	Retirement homes Retirement village	1per dwelling unit	4 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating)	Cafeterias Bars Dance clubs Restaurants Music clubs Bistros	6 per 1,000 sq. ft.	20 per 1,000 sq ft
Retail establishments	Boutiques Shops	5 per 1,000 sq. ft.	10 per 1,000 sq ft

	Stores Rental services Art galleries Food stores		
Salvage, storage and/or junk facility		2 spaces per gross acre	6 spaces per gross acre
Schools	Junior High Elementary Middle	2 per classroom	6 per classroom
	Secondary High	10 per classroom	20 per classroom
	Colleges/Business colleges Tech/universities/trade Conservatories	8 per classroom or auditorium	30 per classroom or auditorium
Service and repair establishments	Appliance repair shops Bicycle repair shops Shoe repair shops General repair centers	5 per 1,000 sq. ft.	10 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.	10 per 1,000 sq ft
Warehousing and storage	Commercial storage Distribution centers	1 per 2,000 sq. ft.	2 per 1,000 sq ft.

Table 5.5.B – Loading Space Requirements		
Type of Use	Gross Floor Area (sq. ft.)	Minimum Loading Space Quantity Requirement
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Greater than 250,000	3
Shopping centers	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 100,000	2
	Greater than 100,000	3, plus 1 per each additional 100,000 square feet of gross floor area
Office buildings Apartment building over four stories	0 to 999,999	0
	1,000,000 to 2,000,000	1
	Greater than 2,000,000	2

Hospitals, health care establishments Hotels and motels		
Manufacturing, warehousing, wholesaling, and similar land uses	0 to 14,999 15,000 to 39,999 40,000 to 80,000 Greater than 80,000	1 2 3 3, plus 1 per each additional 100,000 square feet of gross floor area
Recycling centers	N/A	2

5.7 Handicap Parking Requirements

- A. Parking spaces shall be provided for individuals with disabilities pursuant to The Americans with Disabilities Act (ADA). Parking ratios shall be as per the Table 5.7, Handicap Parking Requirements.
- B. 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.
- C. Ramps shall meet the design standards set forth in the Georgia Accessibility Code of the Rules and Regulations of the Georgia Safety Fire Commissioner.

Table 5.7 – Handicap Parking Requirements	
Minimum Quantity of Parking Spaces Required	Minimum Quantity of Accessible Parking Spaces Required
Less than 26	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
Greater than 500	2% of total required spaces

5.8 Design Standards

5.8.1 General

- A. All parking spaces and drive-aisles that serve multi-family, commercial, and industrial land uses shall be composed of 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, pursuant to the illumination requirements of this Chapter.
- 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 similar physical vehicle barriers.
- H. Parking lot solar carports are permitted and encouraged in accordance with Section 3.2.37, Solar Energy Systems.

5.8.2 Dimensional Standards

- A. The minimum parking lot space dimensions shall be in accordance with Table 5.8.2.A, Dimensional Standards:

Table 5.8.2.A – Dimensional Standards	
Type of Parking Space	Minimum Required Dimensions
45° angle	9' wide; 25' deep
60° angle	9' wide; 22' deep
90° angle (perpendicular)	9' wide; 19' deep
Parallel	8'6" wide; 21' deep
Compact automobile space: 90° angle	8' wide; 18' deep
Handicapped spaces	Refer to the Georgia Accessibility Code of the Rules and Regulations of the Georgia Safety Fire Commissioner

- B. **Aisle Width.** The minimum aisle width shall be in accordance with Table 5.8.2.B, Aisle Widths:

Table 5.8.2.B – Aisle Widths	
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
24	90°

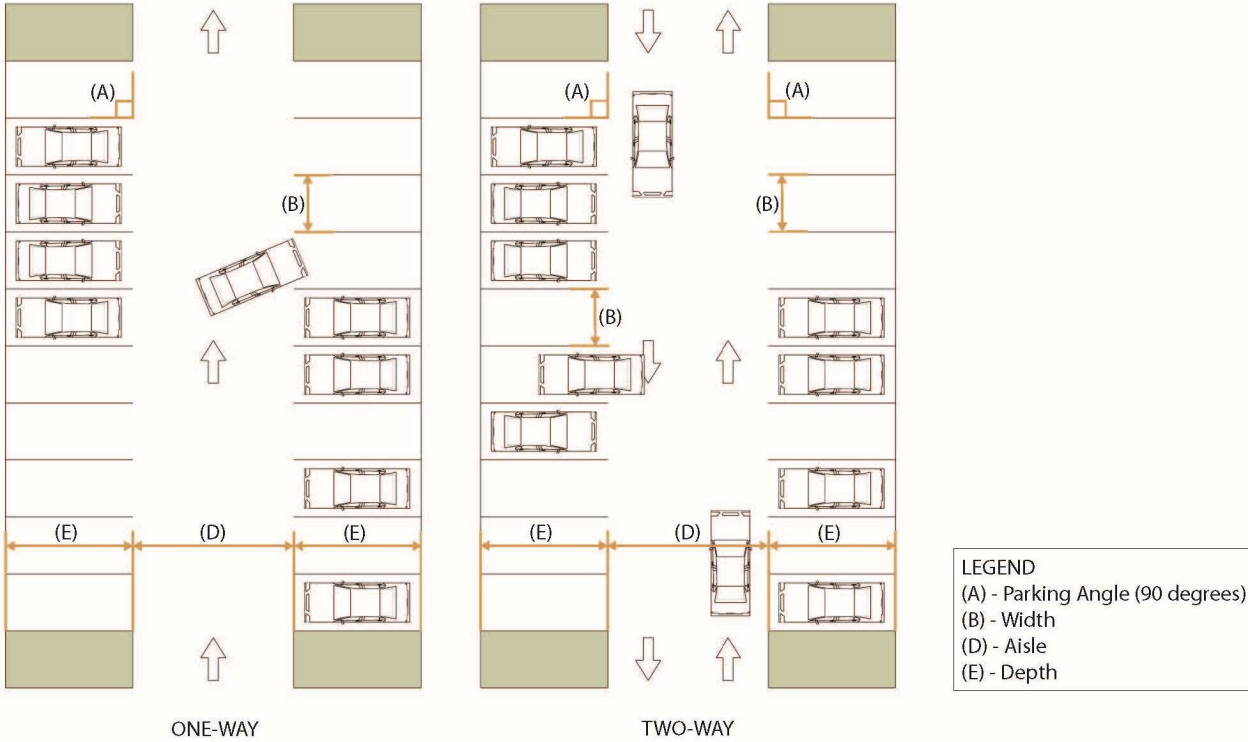
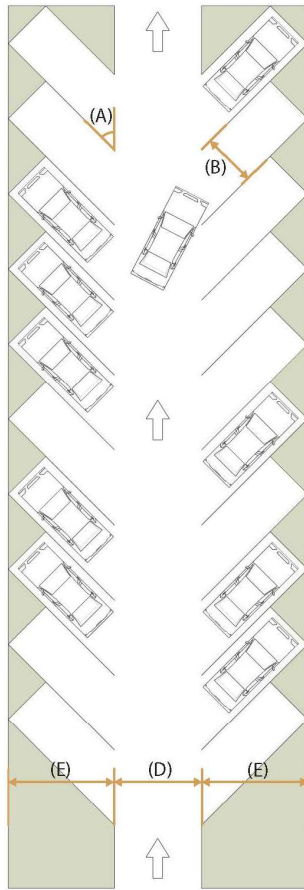
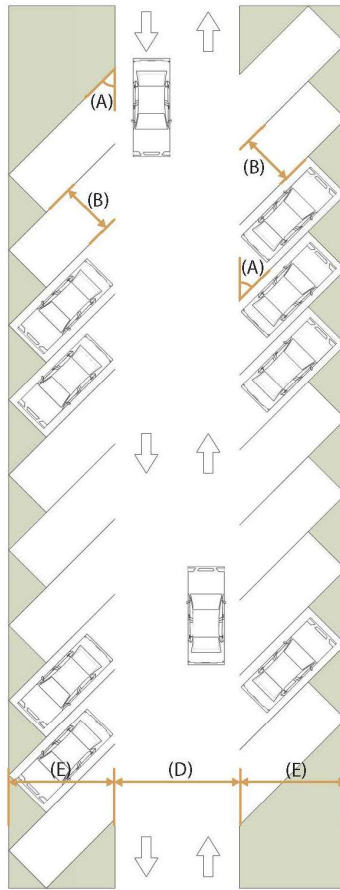


Figure 5.8.2.B (1) - 90° Parking



ONE-WAY



TWO-WAY

LEGEND	
(A)	- Parking Angle (45 degrees)
(B)	- Width
(D)	- Aisle
(E)	- Depth

Figure 5.8.2.B (2) - 45° Parking

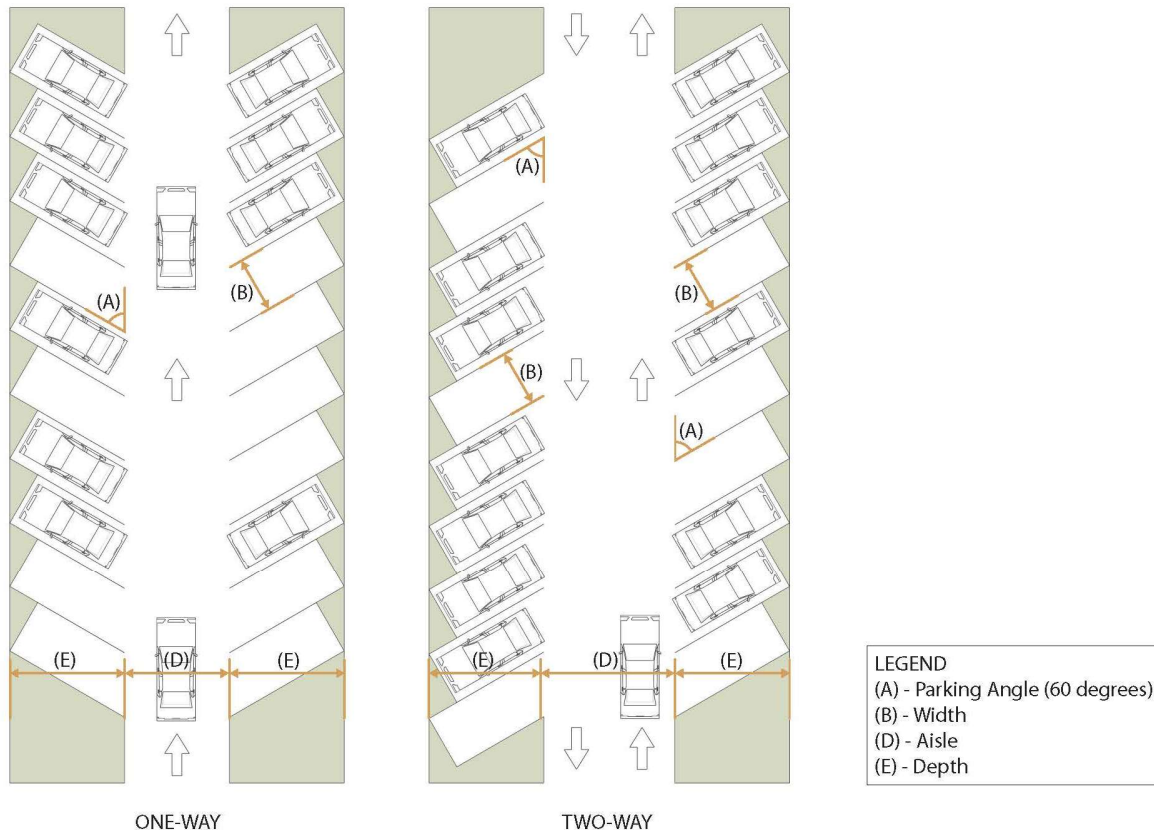


Figure 5.8.2.B (3) - 60° Parking

- C. **Loading Space Dimensional Standards.** The minimum aisle width shall be in accordance with Table 5.8.2.C – Loading Space Dimensional Standards:

Table 5.8.2.C – Loading Space Dimensional Standards		
Land Use	Minimum Required Dimensions	Overhead Clearance
Wholesale and Industrial Uses	10' wide; 50' deep	14'
All Other Uses	10' wide; 35' deep	

- D. One electric vehicle charging station in accordance with Section 3.2.15 is required per 10 parking spaces, not to exceed 30 spaces.

5.9 Shared Parking Arrangements

- A. Shared parking facilities are permitted by the City with the following intentions:
1. To reduce the gross land area used for parking lots and parking infrastructure in non-residential areas.
 2. To reduce development and maintenance costs associated with parking infrastructure that is rarely or never fully utilized.

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3. To foster connectivity between neighboring business and commercial enterprises.
- B. Where shared parking facilities are proposed, the following standards shall be met:
1. There shall be paved vehicular inter-parcel access between the subject properties.
 2. There shall be paved pedestrian inter-parcel access between the subject properties.
 3. The subject property owners 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 or share of parking spaces.
 4. 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.
- C. A City shall be furnished with a parking study to demonstrate the proposed shared parking agreement will provide adequate parking for the subject property and land uses. The study shall include the following requirements:
1. 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.
 - a. 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.
 - b. 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.
 2. Document the source(s) of data used to develop recommendations.
 3. Document the extent to which transportation system management and alternative forms of transportation (pedestrian and bicycle) reduce the parking requirement.
 4. Document the availability of off-site parking to meet a portion of the parking requirements. Off-site parking shall not be located more than 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.
- D. **Shared Parking Calculation.**

1. The process for determining the minimum parking requirements shall be as follows:
 - a. Determine the minimum number of parking spaces required for each use category from Section 5.6, Required Parking Spaces and Loading Spaces.
 - 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.
 - d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
2. Shared Parking Requirements shall be as per the Table 5.9, Shared Parking Requirements.

Table 5.9 – Shared Parking Space Requirements				
	WEEKDAYS		WEEKENDS	
LAND USE	6:00 A.M. to 5:00 P.M.	5:00 p.m.to 1:00 A.M.	6:00 A.M. to 5:00 P.M.	5:00 P.M. to 1:00 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%
Place of Worship	50%	50%	100%	60%

5.10 Parking Garages

- A. Where practicable, the ground floor facade 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.

5.11 Bicycle Parking

- A. **Applicability.** Bicycle racks are required within all multi-family, mixed-use, and non-residential developments.
- B. **Design and Location.**
 - 1. Bicycle parking spaces shall be located to be readily visible by the public or by building users, except in the case of long-term parking spaces located in secure areas accessible only to employees, staff, or residents.
 - 2. Racks or other spaces shall not intrude on sidewalk zones, or other pedestrian walkways or trails.
 - 3. Bicycle parking spaces shall be accessible without climbing stairs, going up or down a slope of more than 12% and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
 - 4. All bicycle racks be located greater than 100 feet away from the subject pedestrian entrance.
 - 5. All bicycle racks and similar installations shall be securely anchored to the ground or building structure.

5.12 Stacking Spaces

- A. This Section applies only to drive-through, drive-thru, drive-up, and similar uses. They are referred to collectively as “drive-through” uses.
- B. **Spaces Required.** In addition to the parking required for each use, establishments with drive-through facilities shall provide stacking spaces for each drive-through station as indicated by a parking study, transportation management plan, or other approved evidence that will help to determine the appropriate spaces requirements, submitted to the Director.
- C. **Dimensions.** Each lane of stacking spaces shall be at least 9 feet in width and at least 18 feet in length. Edges of stacking lanes shall be delineated with pavement markings.
- D. **Bypass Lane.** Drive-through restaurants shall include a bypass lane adjacent to the required stacking lane. The bypass lane shall have a minimum width of ten (10) feet and be designed to allow vehicles to circumvent or leave the stacking lane without waiting for other queuing vehicles to exit.
- E. **Location and Design.** Stacking lanes shall be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street. Stacking lanes and drive-through windows shall not be located between the principal building and the front street.
- F. **Pedestrian Access.** The principal pedestrian access to the entrance of the use from a public sidewalk shall not cross the drive-through facility stacking lane.

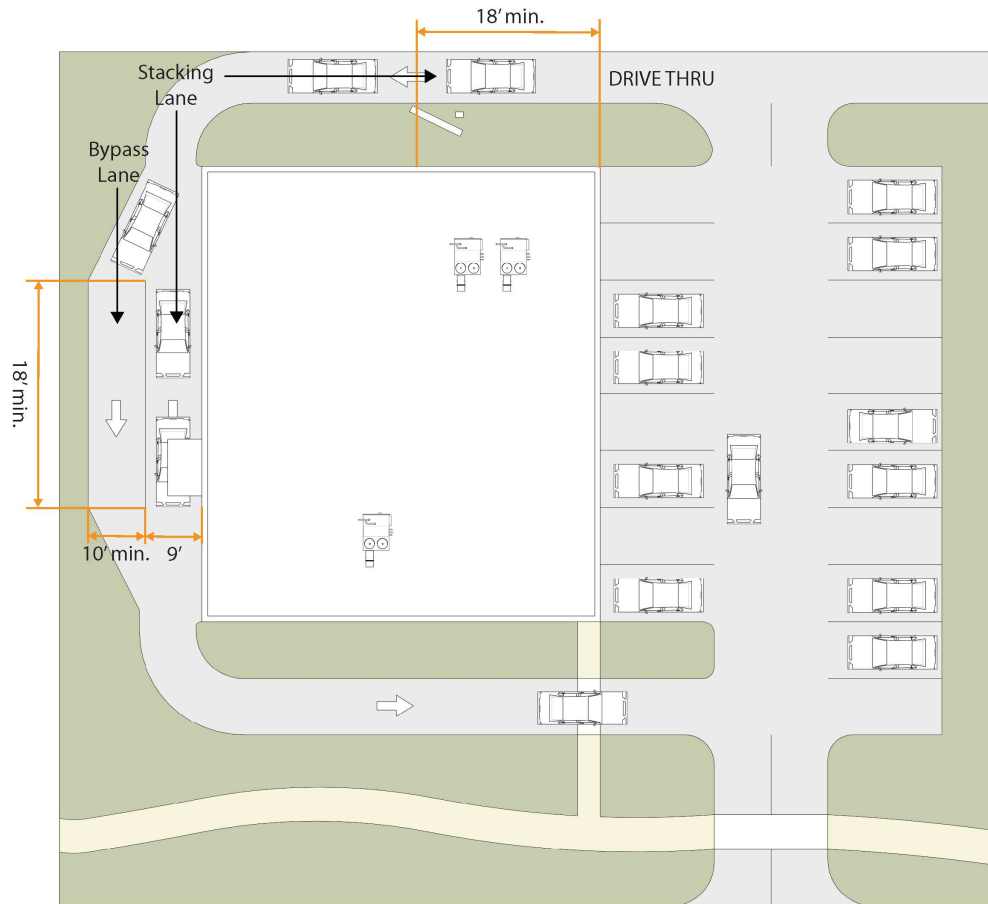


Figure 5.11 - Stacking Space Requirements

CHAPTER 6: SIGN STANDARDS

6.1 Legal Framework

6.1.1 Purpose and Intent

- A. The City of Stockbridge finds that signs are a proper use of private property, are a means of personal free expression, and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. It is the purpose of this article to promote public health, safety, and general welfare through reasonable, consistent, and fair sign standards. These sign regulations are not intended to censor speech or to regulate viewpoints, but to regulate, mitigate, and prevent adverse secondary effects of signs on City aesthetics, property values, and traffic and pedestrian safety. Accordingly, it is the intention of the City to establish regulations governing signs which will:
 1. Balance the burgeoning growth of Stockbridge and its interstate highway corridors with the protection and promotion of aesthetics and property values by minimizing the potential adverse effect and visual blight which may be caused by signs;

2. Ensure that Stockbridge remains an attractive community to reside and conduct business in, it is necessary to maintain a visually satisfying environment. Unregulated or underregulated signage may have an undesirable effect upon safety, vehicle and pedestrian circulation, and the well-being of the community;
3. Promote and protect the public health, safety, and general welfare;
4. Protect the character of the City's historic core and residential neighborhoods;
5. Enhance the economy of Stockbridge by promoting the reasonable, orderly and effective display of signs;
6. Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
7. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision; and
8. Promote signs compatible with their surroundings.

6.1.2 Authority

This Article is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Stockbridge, the general police powers of the City of Stockbridge and other authority provided by federal, state, or local laws applicable hereto.

6.1.3 Applicability

- A. These sign regulations shall be valid throughout the City limits and apply to all signs that are intended to be viewed, or which can be viewed from a public right of way, a private street, or adjacent property. Signs shall be erected, placed, established, painted, created, and maintained in accordance with the physical standards outlined in this Chapter. Sign placement and size regulations shall vary between districts.
- B. Some signage has a single targeted function, and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of identifying addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. In addition, directional signs are used for the sole purpose of ensuring safe movement of vehicles entering and exiting property to and from public rights-of-way, private roads, and driveways. While such signage may be referenced based upon the function it serves within the context of this Chapter, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.
- C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

6.2 Review and Approval

6.2.1 Procedures

- A. **Permit.** It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign as defined in this without a permit, except as otherwise provided in this Chapter. No permit for a sign shall be issued until a sign application is submitted and deemed complete the City.
- B. **Application.** Application for permits to install signs shall be made upon forms that are provided by the City and shall contain or have attached thereto the following information prior to being considered complete:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Address and tax map parcel number of the location of the proposed sign.
 - 3. The proposed sign type, consistent with the regulations of this Chapter.
 - 4. A sign location plan, to scale, depicting the precise location and dimensions of the proposed sign on the property in the context of all other existing improvements on the site.
 - 5. Sign renderings providing the contents, specifications, and method of construction, attachment, or installation of the sign. The renderings must also provide the precise dimensions and sign area of the sign, and an indication of whether the sign will be illuminated and details of illumination, if any.
 - 6. Name of the person or entity to physically install the sign.
 - 7. Written consent of the owner of the building or lot upon which the sign is to be erected.
 - 8. 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.
 - 9. Such other information requested by the City, as may reasonably be required for the permitting of a sign.
- C. **Expiration Date.**
 - 1. If the work authorized by issuance of a sign permit has not been initiated within 12 months of the date of permit issuance, or if such work does not comply with building code and construction standards as provided in this municipal code, the permit shall become null and void.
 - 2. Except as otherwise provided in this Chapter, a temporary sign permit shall authorize the display of a temporary sign only for a period of 30 consecutive days from the date of issuance. In no case shall the same premises be issued a temporary sign permit more than four times in a 12 month period. Upon

expiration of the temporary sign permit, the permittee shall remove the temporary sign and its supporting structure.

D. Processing.

1. The City shall process all sign permit applications within ten (10) business days of the City's actual receipt of a completed application for a sign permit.
 - a. The Director shall reject any application as incomplete that does not include all items required for a sign permit application as set forth in this Chapter.
 - b. The Director shall reject any application containing any materially false statements or material omissions.
 - c. Any rejected application later resubmitted shall be deemed to have been resubmitted on the date of resubmission instead of the original date of submission.
 2. Within ten (10) business days of a completed application, the Director shall:
 - a. Issue the permit upon determination that the application fully complies with the provisions of this Chapter, building codes adopted by the City, and all other applicable laws, regulations, and ordinances of the City; or
 - b. Inform the applicant, in writing, of denial of the permit, stating the reasons why the permit cannot be issued.
 3. If the City does not process an application for a sign permit within 10 days as set forth in this article, then the application shall be considered approved; provided this approval shall not authorize the violation of any standards of the UDC regulating such sign and vests no rights in the owner of a sign erected or constructed in violation of the UDC. Any such sign in violation of the UDC shall be treated identically to a sign affirmatively approved in error by the City, vesting no rights in the sign and subject to revocation of the permit by the City under the provisions of this Chapter.
 4. Should it be determined that a sign permit was issued pursuant to an application containing a material false statement, the Director shall revoke the subject sign permit in accordance with Chapter 12, Violations, Penalties, and Enforcement and the subject sign shall be removed.
 5. The approval or denial of a sign permit by City staff may be appealed to the City Council pursuant to Chapter 11, Variances and Appeals.
- E. Fees.** No permit shall be deemed complete, and no sign permit shall be issued until the appropriate application fees, as established by the adopted fee schedule, have been paid.

6.2.2 Construction and Maintenance

- A. All signs, together with all their supports, braces, guides, and anchors shall be kept in constant good repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given an appropriate protective coating. The area surrounding the base of all signs shall be maintained free of high weeds and debris.
- B. The City may periodically inspect signs to determine compliance.
- C. The permittee shall remove discarded or unusable paper, sign faces, parts and debris from the sign or sign structure.
- D. No permittee shall allow sign(s) to fall into disrepair. On first class mail written notice from the City to the sign owner and property owner, any sign which is in disrepair or vandalized shall be repaired or removed. The City shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal, as provided in Chapter 11, Variances and Appeals.
- E. **Abandoned Signs.** On first class mail written notice from the City to the sign owner and property owner, any sign associated with a business which has ceased operations for 60 consecutive days shall be removed. The City shall include in the written notice a time limit for compliance of up to 30 consecutive days. An aggrieved party may appeal by filing a written notice of appeal, as provided in Chapter 11, Variances and Appeals.

6.3 Administration and Enforcement

6.3.1 Responsibilities

- A. **Responsible for Administration.** This Chapter shall be administered and enforced by the Director or their designee, who is also responsible for administering the receipt, review, and processing of all applications for sign permits; and all sign application requests filed with the City of Stockbridge.
- B. **Responsible for Compliance.** Responsibility for compliance with this Chapter rests upon the sign owner, the permit holder, any and all parties holding the present right of possession and control of the property whereon the sign located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control of the lot or parcel.

6.4 General Regulations

6.4.1 Generally

- A. All signs shall be in compliance with the provisions of this article, the Standard Building Code, the UDC, and the National Electric Codes as adopted.
- B. All signs shall be placed on private property, except signs erected on public property by an authorized governmental unit.
- C. No sign shall be attached to or painted on a telephone pole or power pole, or any tree, rock or other natural object.
- D. Any sign allowed under this article may contain any message except that such messages shall not be obscene, as defined by the courts.
- E. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
- F. No sign or sign structure (above a height of three (3) feet) shall be maintained within 15 feet of the intersection of the extended right-of-way lines of two streets, of an intersection of a street right-of-way with a railroad right-of-way, or otherwise placed in a location that limits sight distance.
- G. No sign or sign structure may be erected or maintained which obstructs any fire escape, window, ventilation, door or hydrant; nor shall any sign or sign structure be attached to a fire escape.
- H. All signs located adjacent to or above a sidewalk or multi-use path shall maintain a minimum eight (8) foot clearance below. All such signs shall maintain at least one (1) foot of horizontal separation from the edge of the sidewalk or multi-use path they overhang.
- I. **Construction Near or on a Lot Containing an Existing Billboard or Pylon.** Construction of any structure, building, or appurtenance adjacent to, or on a lot containing an interstate sign, billboard, or pylon sign under the standards of this provision shall require that:
 - 1. No buildings, structures, appurtenances, or new signs may be constructed within the "fall zone" of such sign. A "fall zone" is defined as an area equal to 133% of the height of the sign in every direction.
 - 2. No subdivision of a parcel containing a interstate, billboard, or pylon sign shall be permitted unless the subdivided lot containing the sign is large enough to encompass the "fall zone" of such sign.

6.4.2 Prohibited Signs

- A. The following types of signs are prohibited in all zoning districts of the City:
 - 1. Abandoned Signs.

2. Animated signs that incorporate frequent flashing, action, motion, or significant changes in color or light intensity.
3. Aerial view signs.
4. Dilapidated Signs.
5. **Flashing Signs.** Signs installed for safety or control of traffic are exempt from this provision so long as they meet all physical and other standards of the Manual on Uniform Traffic Control Devices.
6. Inflatable signs.
7. Mobile signs.
8. Pole or pylon signs.
9. Roof signs.
10. Signs imitating public warning or traffic control devices. Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that may confuse a driver to believe such a sign to be an official public warning or traffic control device is prohibited. Any sign that uses the dimensional shape, size, colors of, or otherwise substantially imitates a public warning sign or traffic control device is prohibited.
11. Signs or sign support structures that obstruct any fire escape, window, door, stairway, exit, utility access or opening usable for fire prevention, suppression, or connection. No sign shall interfere with any opening required for ventilation.
12. Signs illuminated using neon.
13. Signs that feature beacons, search lights, or lasers.
14. Signs attached to or supported by any trees, utility pole, or similar vegetative or utility feature.
15. Snipe signs.
16. Any other type of sign not permitted or regulated by this Chapter.

6.4.3 Signs Exempt from Permit Requirements

- A. The following signs are exempt from the permitting requirements of Section 6.2, Review and Approval, provided; however, that such sign shall be subject to all other provisions of this Chapter:
 1. Wall signs, window signs, and door signs, not to exceed one (1) square foot in area nor three (3) of each sign type per property.
 2. Temporary signs, not to exceed four (4) square feet in area, nor two (2) per property.
 3. Hand-held signs.

4. Flags.
 5. Informational signs, not to exceed two (2) per property, except that parcels containing more than one licensed business may contain up to four (4) standard informational signs.
 6. Markers placed over grave sites.
 7. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, ethnic, or religious holidays, as well as national, state, and City holidays, from one month prior to the commencement of the holiday until two weeks following its completion.
 8. Property Address Signs.
 9. Signs located completely inside an enclosed space.
 10. Signs on products that are an integral part of the product, the product's packaging, and product dispensers (such as but not limited to a soft drink machine).
 11. Signs protected by federal law.
 12. Signs protected by state law.
 13. Traffic Control Devices and Signs defined by the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.
- B. No sign permit shall be required to change the message or copy of a changeable copy sign, provided the business or entity associated with the sign remains the same.

6.5 Illumination

6.5.1 Permitted Illumination

- A. Illumination of a sign is optional.
- B. Except as authorized in this Chapter, any flashing, blinking, reflective, animated, or rotating lights, or signs with intermittent or varying intensity of artificial illumination whether deliberate or as a consequence of a defect in the sign or illumination source shall be prohibited for any and all signs.
- C. All light sources shall be shielded to prevent illumination spillover onto properties or adjacent roadways except where the light source is located or permitted under a sign plan. Signs and related fixtures shall be International Dark Skies Association Standards compliant and full cut off.
- D. No internally illuminated sign shall exceed 20 foot-candles of incandescent light at any point greater than ten (10) feet from the subject sign structure.
- E. Signs which are externally illuminated shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of nearby motorists or travelers so as to create a hazardous or dangerous condition.
- F. **Nonresidential and Mixed-Use.** Signs in nonresidential and mixed-use zoning districts shall satisfy the following illumination requirements:

1. No sign shall be illuminated by neon lights, by lights that flash, move, change in intensity, or turn on intermittently several times per day, except for sign areas limited to a maximum of two (2) square feet per sign which may change no more than once per minute.
 2. To prevent glare visible from adjoining streets or properties, 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.
 3. Light from any illuminated sign shall not be more than 0.5 foot-candles at any boundary of the property on which the sign is placed, and must not interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
- G. **Residential.** Signs located in a residential district shall not be illuminated other than signs erected at the entrance of the subdivision or other common residential development.

6.5.2 U.L. Types

All components of an illuminated sign shall be Underwriters Laboratories, Inc. (U.L.) listed, or the equivalent thereof, with an identification label that clearly shows the manufacturer of the sign.

6.5.3 Changeable Copy

- A. Changeable Copy are allowed for monument signs for uses listed under Section 6.6.2, Non-Residential Land Uses only. The sign structure on which the Changeable Copy face is used is required to comply with Section 6.7.3, Monument Signs.
- B. Changeable Copy portions of authorized monument signs are limited to 12 square feet of the total allowable sign area.
- C. No parcel shall contain greater than one (1) changeable copy sign.
- D. Changeable copy 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.
- E. Changeable copy shall not change more than once every 24 hours.
- F. **Installer Certification.** Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set to not exceed 0.3 footcandles over ambient lighting conditions when measured at the measurement distance provided in this section and that the intensity level is protected from end-use manipulation by password protected software or other method deemed appropriate by the City.
- G. All signs shall contain a mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

6.6 Authorized Signs by Land Use

6.6.1 Residential Land Uses

- A. Only the following types of signs are allowed for residential land uses (e.g., single family, townhome, and multi-family developments, including the multi-family buildings in mixed use developments, and those portions of residential uses constructed over commercial ground floor uses):
 - 1. Monument signs limited to one per subdivision/development entrance. Monument signs may not exceed 32 square feet of sign area and six (6) feet in height.
 - 2. Window and Door Signs. Window and door signs may not exceed four (4) square feet of sign area and shall be limited to a maximum of two (2) per lot or unit.
 - 3. Property address signs.
 - 4. Flags.
 - 5. Temporary Signs. Temporary signs may not exceed 16 square feet of sign area and shall be limited to a maximum of four (4) per lot.
- B. The total of all signs shall not exceed four (4) signs of any allowed type where a single residence is on the lot.

6.6.2 Non-Residential Land Uses

All sign types identified in this UDC are permitted for commercial, office, mixed use, industrial, or civic/institutional uses in accordance with the provisions of this Chapter.

6.7 Permanent Signs

6.7.1 Generally

- 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.

6.7.2 Measurement of Sign Area

- A. **Area.**
 - 1. 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.



 marks the Sign Area.

Figure 6.7.2.A.1 - Sign Area

2. If polygons established around wall signs located on the same street-oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one (1) continuous polygon.



If "a" is less than 24", then the following method shall be used.

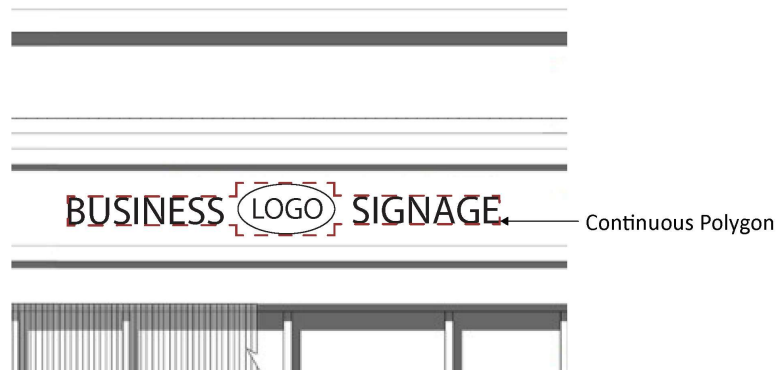


Figure 6.7.2.A.2 - Contiguous Polygon

- 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:

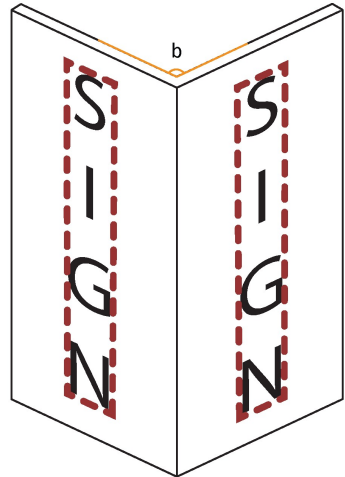
1. Existing grade prior to construction; or

2. The newly established grade after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign.
1. 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.



Figure 6.7.2.B - 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 (1) time from any angle.



If the interior angle “b” is forty-five (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 (1) time from any angle.

Figure 6.7.2.D - Multi-Faced Signs

6.7.3 Monument Signs

- A. **Summary.** Table 6.7.3.A – Monument Sign Regulations Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.3 Monument Signs, the detailed regulations shall control.

Table 6.7.3.A – Monument Sign Regulations Summary				
Sign Type	Sign Area	Height	Quantity	Illumination
Monument	80 SF	8 FT	1 per lot; 1 additional for property of at least 1 acre in size	Internal, External

- B. All Monument Signs are subject to the following restrictions:
1. A monument sign shall have a three-foot landscaped area maintained at its base, which may be composed of shrubs, hedges, grass, mulch or similar ground cover.
 2. One (1) monument sign is permitted per lot.
 3. One (1) additional monument sign is permitted for any lot of at least one (1) acre in size. If one of the street frontages is on a street serving a residential strict, a second sign shall be prohibited.
 4. Street address numbers shall be posted on each face of all monument signs intended to be viewed from a public road. For monument signs that serve multiple addresses, the range of addresses and/or building numbers shall be on the face of the monument. The street address numbers shall be accurate and measure at least six (6) inches in height.
 5. No entrance sign shall be placed in the median, or between any travel lanes, of a public or private roadway or access drive.

6. **Sign Area and Height.** Monument signs shall not exceed 64 square feet per sign face and a height of eight (8) feet.
7. **Location.** Monument Signs shall be located a minimum of five (5) feet from the right-of-way and ten (10) feet from electrical transmission lines. Any signs not located adjacent to a street shall be setback a minimum of five (5) feet from property lines.
8. **Illumination.** All Monument Signs may be externally illuminated. Monument Signs for uses listed under Section 6.6.2, Non-Residential Land Uses only may be internally illuminated.
9. **Materials.** Monument Signs shall be constructed with a solid brick, stone, stucco, and/or architecturally masonry base. The base of the sign shall be at least wide as the sign face.

6.7.4 Building Signs

- A. Building Signs include wall, projecting, and awning sign types. Regulations apply to all building sign types when referred to as Building Signs.
- B. **Summary.** Table 6.7.4.B, Building Sign Regulations Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.4, Building Signs, the detailed regulations shall control.

Table 6.7.4.B – Building Sign Regulations Summary		
Sign Type	Sign Area	Quantity
Wall	10% of wall face or 100 SF, whichever is less	1 per tenant, per street frontage
Projecting	24 SF	
Awning/Canopy	10% of awning or canopy space	

- C. All Building Signs are subject to the following restrictions:
 1. **Method of Attachment.**
 - a. All signs shall be constructed and erected to withstand a horizontal wind load of 30 pounds per square foot in any direction together with the dead load of the construction.
 - b. Signs shall be attached in a manner that allows for their removal without adversely impacting the exterior of the subject building.
 - c. The visibility of conduit and raceways associated with a sign shall be minimized; however, if raceways must be exposed, they should be finished to match the facade or integrated into the overall design of the sign
- D. **Wall Signs.**
 1. **Method of Attachment.**

- a. 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.

2. Quantity.

- a. One (1) wall sign is permitted per tenant or street frontage.
- b. 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.
- c. For corner lots, a second wall sign may be permitted facing the side street.
- d. End units of buildings on any lot may also have a second wall sign on the side of the building

- 3. Sign Area.** Individual Wall Sign area shall not exceed 10% of any individual Wall Face or 100 square feet, whichever is less

E. Projecting Signs.

1. Method of Attachment.

- a. All projecting signs must be installed at a 90 degree angle to the building façade on which they are mounted.

2. Projection from Wall.

- a. No portion of a projecting sign may extend over parking spaces, drive aisles, or public rights-of-way.
- b. No projecting sign may project more than eight (8) feet from façade of the building which supports it.
- c. No projecting sign shall have a maximum height higher than the building which supports it.

- 3. Sign Area.** Projecting Sign area shall not exceed 24 square feet per sign face.

- 4. Quantity.** One (1) projecting sign is permitted per tenant or street frontage.

F. Awning/Canopy Signs.

- 1. Method of Attachment.** Signs must be painted or installed directly on the valances of the awning or canopy.

- 2. Projection from Wall.** Awnings or canopy signs must vertically clear sidewalks by at least eight (8) feet and may not extend further than one (1) foot off the curb line.

- 3. Sign Area.** The sign area of any canopy or awning sign shall not exceed 10% of the surface area of the subject canopy or awning.

- 4. Quantity.** One (1) awning or canopy sign is permitted per tenant or street frontage.

5. **Illumination.** Awning or canopy signs may be internally illuminated.
6. **Materials.** Signs must be of durable fabric or non-rigid material on a supporting framework.

6.7.5 Other Signs

- A. **Summary.** Table 6.7.5.A – Other Permanent Sign Regulations Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.7.5, Other Signs, the detailed regulations shall control.

Table 6.7.5.A – Other Permanent Sign Regulations Summary			
Sign Type	Sign Area	Height	Quantity
Window	25% of window or door area	N/A	3 per tenant
Hand-Held Signs	N/A	N/A	N/A
Flags	24 SF	20 FT if ground mounted	3 flags per lot

- B. **Property Owner Responsibility.** The property owner is responsible for installing, repairing, and maintaining signs in accordance with the requirements and regulations of this article. Signs found to be non-compliant may be subject to enforcement procedures and/or penalties as provided in this UDC.
- C. **Window Signs.**
1. **Sign Area.** Window signs must not exceed 25% of the area of the subject window or transparent door area.
 2. **Quantity.**
 - a. There shall be a maximum of four (4) internal signs adjacent to internal road(s) serving the development.
- D. **Hand-Held Signs.**
1. Any person supporting a hand-held sign shall remain no less than ten (10) feet away from any building, occupiable structure, street, driveway, or drive-aisle, and shall not handle the sign in a manner that may interfere with vehicular or pedestrian traffic.
- E. **Flags.**
1. **Generally.**
 - a. No flag shall be installed in a manner as to impede vehicular or pedestrian traffic, nor obstruct any public road, sidewalk, or multi-use trail.

- b. Nothing contained in this Section shall be interpreted to prohibit or restrict the right to display eligible flags as banners or signs as otherwise provided by local, state, or federal codes or regulations.
- 2. **Sign Area.** The flag shall not exceed 24 square feet.
- 3. **Quantity.** No greater than three (3) flags may be displayed on any property, except that any flags that are not reasonably visible from any nearby public or private roadways shall not be considered as contributing to the maximum number of flags permitted.
- 4. **Regulations for Flagpoles.**
 - a. **In-ground pole.** A flag may be flown from a metal or wood pole which is permanently placed in the ground. The pole shall not exceed two and five-eighths (2 $\frac{5}{8}$) inches in diameter, nor 20 feet in height.
 - b. **Attached pole.** 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 (6) feet in length, nor one (1) inch in diameter.

6.8 Temporary Signs

6.8.1 General Regulations

- A. Temporary Signs shall adhere to the following general requirements, unless otherwise specified:
 - 1. No parcel of land may host more than two (2) temporary signs at the same time.
 - 2. No property shall be the recipient of more than four (4) temporary sign permits per calendar year.
 - 3. No ground-mounted temporary sign shall exceed a height of eight (8) feet.
 - 4. All temporary signs shall be located a minimum of five (5) feet from the right-of-way and ten (10) feet from electrical transmission lines. Any signs not located adjacent to a street shall be setback a minimum of five (5) feet from property lines.
 - 5. All temporary signs shall be securely installed and satisfy all applicable life safety and building codes adopted by the City.
 - 6. **Permitting.** A permit is required for all temporary signs unless otherwise specified in this Chapter.

6.8.2 Summary

- A. Table 6.8.2.A – Temporary Signs Summary is provided for the convenience of the applicant and reader. In the event there is a conflict between this table and detailed regulations in Section 6.4, General Regulations, the detailed regulations shall control.

Table 6.8 .2.A– Temporary Signs Summary

Sign Type	Sign Area	Height	Quantity
Temporary	32 SF	8 FT if ground mounted	2 per tenant

6.9 Requirements for Master Sign Plans

6.9.1 General Regulations

- A. The intent of a 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.
- B. The Director may authorize a multi-jurisdictional master sign plan for a development that is situated within the City of Stockbridge and one (1) or more other municipalities or the unincorporated area of Henry County.
- C. All signs that are erected or maintained shall conform at all times to the approved master sign plan.
- D. 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.

6.9.2 Application

- A. An application for a master sign plan shall be made upon forms that are provided by the City. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the City to determine compliance:
 1. All information as outline in Section 6.2, Review and Approval;
 2. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not; and
 3. Computation of the maximum total sign area per proposed building.

6.9.3 Processing

- A. The City shall process all master sign plan applications within ten (10) business days of the City's actual receipt of a completed master sign plan application.
 1. The Director shall reject any application as incomplete that does not include all items required for a sign permit application as set forth in this Chapter.
 2. The Director shall reject any application containing any materially false statements or material omissions.
 3. Any rejected application later resubmitted shall be deemed to have been resubmitted on the date of resubmission instead of the original date of submission.
- B. Within ten (10) business days of a completed application, the Director shall:

1. Approve the application upon determination that the application fully complies with the provisions of this Section; or
 2. Inform the applicant, in writing, of denial of the application, stating the reasons why the application cannot be approved.
- C. As part of the review, the Director may grant the following:
1. One (1) additional monument sign; or
 2. Two (2) single-faced monument signs in lieu of the allowed monument sign; or
 3. Deviations from general standards for multi-jurisdictional master sign plans.

6.9.4 Amendments

- A. A master sign plan may be amended by filing a new master sign plan application in accordance with Section 6.9, Requirements for Master Sign Plans.

6.10 Landmark Signs

6.10.1 General Regulations

- A. Landmark signs shall be controlled by the contents of this Section when any conflict arises with the provisions of other contents of this Chapter or this UDC.
- B. A landmark sign may only be designated as such by the Mayor and City Council.

6.10.2 Procedures

- A. **Application.** An application for a landmark sign shall be made upon forms that are provided by the City. The application shall describe and set forth the following and any additional information pertinent to the application as may be requested by the City to determine compliance:
1. A site plan, to scale, demonstrating all existing improvements upon the property and the precise location of the subject sign;
 2. A narrative statement describing how the subject sign has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art;
 3. Additional information as requested by the Director or their designee for the landmark sign designation process;
 4. All fees associated with a review must be paid in full before any application will be processed or reviewed.
- B. **Processing.**
1. **Completeness Determination.** Applications will be submitted to the Director and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the

specific application requirements outlined in this Section and noted in the application materials.

2. **Complete Application.** Once an application has been deemed to be complete, the Director shall transmit the application to the appropriate reviewing body for review and recommendation. The Director shall notify the applicant that the application is complete.
3. **Effect of Incomplete Application.** Incomplete applications will not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

C. Action by the Mayor and City Council.

1. **Consideration by the Mayor and City Council.** All rezoning applications shall be considered by the Mayor and City Council at a public meeting.
2. **Standards and Criteria.** The Mayor and City Council shall review and make recommendations on the proposed landmark sign application based upon the standards in Section 6.10.3, Review Standards for a Landmark Sign.
3. **Actions by the Mayor and City Council.** Following the public meeting, the Mayor and City Council shall take one of the following actions:
 - a. Approve;
 - b. Approved with conditions; or
 - c. Denied.

6.10.3 Review Standards for a Landmark Sign

- A. When reviewing an application for a landmark sign, all the criteria listed below shall be considered
1. The subject property does not contain greater than one (1) other landmark sign;
 2. The subject sign does not measure greater than 150 square feet in sign area;
 3. The subject sign does not cause a hazard to public safety or nearby travelers;
 4. The subject sign was completely installed no less than 20 years prior to the intended date of designation; or
 5. The subject sign has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art.

6.10.4 Revocation

- A. Following the designation of a landmark sign, the subject sign shall retain this designation indefinitely. The Mayor and City Council may revoke landmark sign designation if one or more of the following occurs:

- A. The subject sign is removed or relocated from the position it was in at the time of designation, except for minor positioning adjustments necessitated by factors such as utility work or building or structure maintenance or repair; or
 - B. The subject sign has been substantially altered in a way that eliminates its historic or culturally significant character.
- B. Replacement of lighting, electrical, structural, and mechanical components with modern equivalents shall not be considered a substantial alteration in and of itself.

6.11 Variances

Mayor and City Council are authorized to grant variances from this Chapter pursuant to the procedures and requirements of Chapter 11, Variances and Appeals.

6.12 Nonconforming Signs

- A. The following provisions shall apply to signs which, on the effective date of this Chapter, were approved and legally erected under previous sign restrictions and which became nonconforming with respect to amendments to the text of this Chapter adopted after sign approval:
 - 1. A nonconforming sign shall not be altered except in compliance with the provisions of this Chapter.
 - 2. Minor repairs and maintenance to non-conforming signs, such as the repair or replacement of paint or electrical components, shall be permitted as long as no repair exceeds 50% of the value of the sign as determined by the City.
 - 3. A nonconforming sign shall not be replaced by another sign except for one which complies with the requirements of this Chapter.
- B. The message or face of changeable sign areas on nonconforming signs shall be permitted.
- C. Lawfully nonconforming signs must be removed from a site when any of the following conditions occur:
 - 1. 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.
 - 3. The sign has been damaged or destroyed to such extent that more than minor repairs (greater than 50% of the replacement cost of the existing sign) or a structural change is required to restore the sign.

CHAPTER 7: NONCONFORMING STANDARDS

7.1 Purpose and Intent

- A. Within the districts established by the City of Stockbridge UDC, and in other provisions and amendments thereto, there exist lots of record, uses of property, structures, buildings, and other improvements and features that were lawfully established prior to the adoption or amendment of this Code, but that would be prohibited under its current terms or future amendment. They are collectively referred to herein as “nonconforming situations.”
- B. The intent of this section is to allow such nonconformities to continue until they are removed or discontinued, while protecting the public health, safety, and welfare. This section is not intended to facilitate their enlargement or expansion, nor be used as grounds for creating lots or adding structures or uses prohibited in a particular zoning district.

7.2 Determination of Lawful Nonconforming Situations

- A. Nonconforming lots of record are lots which have an area, frontage, or other characteristic that does not conform to the requirements of the underlying zoning district and/or the broader Code. In the circumstance that land is taken from a lot of record for public purposes, such as eminent domain, and causes the lot to become substandard, it shall be considered a lawful nonconforming lot of record if it otherwise meets the definition of a lot of record.
- B. Nonconforming uses of property are land uses, whether primary or accessory, which do not conform to the land use requirements of the underlying zoning district.
- C. Nonconforming structures and buildings are those which do not satisfy the underlying area, dimensional, architectural, or height requirements of the underlying zoning district and/or the broader Code.
- D. Nonconforming improvements and features are site elements which do not conform to the current setback, dimensional, lot coverage, or yard positioning requirements of the underlying zoning district and/or the broader Code.
- E. The burden of proving a nonconforming situation was lawfully established is that of the subject property owner. A preponderance of evidence shall be provided by the subject property owner to prove lawful establishment of the nonconforming situation, and also to indicate its continuity, meaning documented, ongoing use or operation without interruption for a period exceeding that allowed lapse under this UDC.
 - 1. Continuity shall be evaluated on the basis of objective, verifiable documentation showing that the nonconforming use or structure remained active, occupied,

maintained, or otherwise in operation during the relevant period. Examples of acceptable documentation may include building permits, certificates of occupancy, aerial imagery, tax records, utility records, or other similar records that substantiate continuous activity.

2. The Community Development Director shall determine whether adequate proof of nonconforming status and continuity has been provided for a given situation.

7.3 Nonconforming Lots of Record

- A. An undeveloped, nonconforming lot of record shall be developed pursuant to any City approved recorded plats or conditions of zoning. In the case these are not applicable, the lot may be developed pursuant to the requirements of the underlying zoning district.
- B. Two (2) or more abutting nonconforming lots of record may be combined into a single lot, provided the resultant lot meets all applicable dimensional standards of the underlying zoning district.
- C. A lawful structure or building upon a nonconforming lot of record shall be allowed to continue in its current condition, and may be expanded or altered, to become compliant, pursuant to the requirements of the underlying zoning district.
- D. Nothing in this chapter shall be construed as to prevent the routine maintenance and care of any existing building or structure upon a nonconforming lot of record, nor to confer any variance, exception, or waiver upon a site.

7.4 Nonconforming Buildings and Structures

- A. Nothing in this section shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming buildings or structures, provided all of the following circumstances exist:
 1. Repairs do not exceed 25% of the value of the nonconforming building or structure as it existed immediately before the repair.
 2. Neither the floor area nor the footprint of the subject building or structure is increased.
 3. The Community Development Director may approve minor deviations from dimensional standards when necessary to accommodate routine maintenance or repair, provided that:
 - a. The deviation does not increase the degree of nonconformity; and
 - b. The deviation does not exceed five percent (5%) of the applicable dimensional standard.

- B. Any building or structure damaged by any means to an extent more than 50% of its value, as assessed immediately before the time of damage, shall no longer be considered a lawfully nonconforming building or structure.
- C. Any building or structure damaged by any means to an extent less than 50% of its value immediately before the time of damage may be repaired or rebuilt to that state, provided that restoration efforts shall commence within eight (8) months from the first day the damage occurred.
 - 1. Repairs and rebuilding of a nonconforming building or structure that commences more than eight (8) months after the first day of damage shall cause the subject building or structure to conform to the requirements of this UDC.
- D. The alteration, expansion, or modification of any lawfully nonconforming building or structure that is occurring for reasons unrelated to damage shall be prohibited unless said alteration, expansion, or modification would bring the subject building or structure into full compliance with the requirements of this UDC.
- E. Any nonconforming building or structure relocated any distance for any reason shall be brought into compliance with the standards of the underlying zoning district to which it is relocated.

7.5 Nonconforming Uses of Property

- A. A lawfully established land use that becomes nonconforming upon or after the effective date of this UDC may continue to function in accordance with all of the following requirements:
 - 1. The subject site, and subsequent improvements thereon, shall remain otherwise lawful.
 - 2. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the UDC making such use nonconforming.
 - 3. Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of adoption or amendment of the UDC making such use nonconforming.
 - 4. The discontinuance of a nonconforming land use, regardless of reason or cause, for greater than six (6) months shall cause the subject nonconforming land use to lose its lawful status. Any subsequent use of the land shall comply with the requirements of the underlying zoning district.

7.6 Nonconforming Improvements and Features

- A. Nonconforming improvements and features are site elements that generally cannot be occupied and are secondary to the main building upon the subject property. These objects include, but are not limited to, the following:
 - 1. Fences, walls, and gates.
 - 2. Dumpsters and dumpster enclosures.
 - 3. Vehicle parking areas.
 - 4. Driveways and access provisions.
 - 5. Exterior site lighting equipment.
 - 6. Swimming pools.
 - 7. Sidewalks, multi-use paths, or trails.
- B. No change to any nonconforming site improvement or feature shall be made which increases the degree of nonconformity with the requirements of this UDC; however, changes may be made which result in the same or a lesser extent of nonconformity.
- C. Any addition to buildings or structures on the site or reconstruction of buildings or structures on the site occur, any existing nonconforming improvements or features shall no longer be considered a lawfully nonconforming improvement or feature.
- D. Any improvement or feature damaged by any means to an extent more than 50% of its value, as assessed immediately before the time of damage, shall no longer be considered a lawfully nonconforming improvement or feature.
- E. Any improvement or feature damaged by any means to an extent less than 50% of its value immediately before the time of damage may be repaired or rebuilt to that state, provided that restoration efforts shall commence within eight (8) months from the first day the damage occurred.
 - 1. Repairs and rebuilding of a nonconforming improvement or feature that commences more than eight (8) months after the first day of damage shall cause the subject building or structure to conform to the requirements of this UDC.
- F. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking or effectively cause an improvement or feature to be closer to a property line, the deficiency thus created shall be construed as lawfully nonconforming.
- G. Nonconforming signage and sign structures, and any proposed improvements to such sign structures, shall be governed by Chapter 6, Sign Standards, unless otherwise specified in this Ordinance.

7.7 Termination of Detrimental Nonconforming Situations

- A. Fences, walls, and vegetation that constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming to this UDC or removed within 60 calendar days of notice by the City. Such notice shall follow the procedures found in Article 12, Violations, Penalties, and Enforcement.

7.8 Nonconforming Manufactured Homes

- A. A manufactured home that was lawfully installed may be replaced with a new manufactured home, provided the replacement manufactured home is installed on the subject site within 12 months of the date of removal of the existing unit.
 - 1. The replacement manufactured home shall meet all applicable health and safety standards and be completed in accordance with O.C.G.A § 36-66-7 et seq.
 - 2. In addition to the requirements above, the replacement manufactured home shall comply with all applicable installation requirements contained elsewhere in this UDC.

CHAPTER 8: REVIEW BODES AND ADMINISTRATORS

8.1 Review Bodies

8.1.1 Purpose

The purpose of this chapter is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the following review bodies:

- A. Planning Commission
- B. Historic Preservation Commission
- C. Governing Body
- D. All Review Bodies shall:
 - 1. Act in a manner consistent with the City of Stockbridge Comprehensive Plan, Unified Development Code, City Code of Ordinances, Parks Master Plan, Trails Plan, adopted small area plans, to include LCIs and Strategic Plans, and other officially adopted plans and studies.
 - 2. Consider impacts on community character, aesthetics, and sense of place, including signage, gateways, and public realm features, when making recommendations.
 - 3. Support phased implementation of adopted plan goals and action items, including monitoring progress and recommending amendments as needed.

8.2 Planning Commission

8.2.1 Creation

The City of Stockbridge Planning Commission is hereby established and shall be referred to hereinafter as the Planning Commission.

8.2.2 Membership

- A. All members of the Planning Commission shall be appointed by the Mayor and City Council. The number of members of each body, and the qualifications of such members are specified in the provisions of this Chapter with respect to such body.
- B. **Qualifications.** 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 Vinson Institute, or another organization recognized by the State of Georgia or the City within one (1) year of appointment. Failure to complete required training within the specified timeframe may constitute grounds for removal.
- C. **Application Disclosure and Membership Restrictions.**
 - 1. Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.
 - 2. No member of the Planning Commission may be a City of Stockbridge employee, hold any elected or appointed City office, or serve the City in any other compensated or uncompensated capacity during their term of service on the Planning Commission.
- D. **Composition.**
 - 1. The Planning Commission shall be composed of six (6) qualified members.
 - 2. The Community Development Director or their designee shall serve as ex officio, non-voting staff liaison to the Planning Commission.
- E. **Term of Office.** All members shall be appointed for a term of four (4) years; provided however, that in the initial appointment, approximately one-half 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.
- F. **Compensation.** Each member shall be compensated in a manner prescribed by the Mayor and City Council.

8.2.3 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 Community Development Director shall appoint a designated employee from the department to serve as the secretary of the Planning Commission.

8.2.4 Meetings and Rules of Procedure

- A. **Meetings.**

1. **Regular Meetings.** The Planning Commission shall meet on the third Thursday of each month at 6:30 p.m., or as established by the Planning Commission due to holidays and unforeseen circumstances. Meetings may be held in person, virtually, or in a hybrid format as permitted by state law and City policy, provided public access and participation are maintained.
 2. **Special Meetings.** Special meetings may be called by the Chair of the Planning Commission or a majority of the members of the Planning Commission.
- B. **Minutes and Public Records.** The secretary of the Planning Commission shall keep minutes of its proceedings, recording the presence or absence of members and the vote of each member.
- C. **Meetings and Hearing to the Public.** All meetings and hearings of the Planning Commission shall be open to the public.
- D. **Public Notice.** Public notice of Planning Commission meetings shall be provided as required for each application type as provided in Chapter 10, Public Hearing Application, Review Procedures.
- E. **Quorum.** Four (4) of the appointed 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.
- F. **Consideration of Applications and Other Actions.** The Planning Commission may take action or make a decision or other determination by majority vote of the quorum present at the meeting. Both the Chair and Vice Chair, when in attendance, are authorized to vote on the decision.
- G. **Appeal.** The City Clerk shall be authorized to accept service for any appeal.

8.2.5 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 public record.

8.2.6 Powers and Duties

The Mayor and City Council hereby create the Planning Commission with the following powers and duties:

- A. **General Authority.**
1. The Planning Commission shall perform duties as directed by the governing body.
 2. The Planning Commission may exercise additional powers as may be described elsewhere in this UDC, as applicable.

- B. **Review Authority.** With respect to this UDC, the Planning Commission shall review and make recommendations to the Mayor and City Council regarding:
1. Zoning Map Amendments;
 2. Text Amendments;
 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 4. Variances;
 5. Special Use Permits;
 6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and
 8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Final Authority.** With respect to this UDC, the Planning Commission shall be an advisory board only.

8.3 Historic Preservation Commission

8.3.1 Creation

The City of Stockbridge Historic Preservation Commission is hereby established and shall be referred to hereinafter as the Historic Preservation Commission.

8.3.2 Membership

- A. All members of the Historic Preservation Commission shall be appointed by the Mayor and City Council. The number of members of each body, and the qualifications of such members are specified in the provisions of this Chapter with respect to such body.
- B. **Qualifications.**
1. The Historic Preservation Commission membership shall include, unless otherwise approved by the Mayor and City Council, at least three (3) individuals with disciplines in architecture, history, architectural history, planning, archaeology, and related professions.
 2. In order to be qualified, all members shall be residents of the City and individuals who have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources.
- C. **Disclosure.** Applicants for appointment to the Historic Preservation Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.
- D. **Composition.**
1. The Historic Preservation Commission shall be composed of five (5) qualified members.

2. The Community Development Director or their designee shall serve as ex officio, non-voting staff liaison to the Historic Preservation Commission.
- E. **Term of Office.** All members shall be appointed for a term of three (3) years; provided however, that members may not serve more than two (2) consecutive terms. To achieve staggered terms, in the initial appointment, one (1) member shall serve for one (1) year, two (2) members shall serve for two (2) years, and two (2) members shall serve for three (3) years. An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.
- F. **Compensation.** Each member shall be compensated in a manner prescribed by the Mayor and City Council.

8.3.3 Officers

- A. The Historic Preservation 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 Community Development Director shall appoint a designated employee to serve as the secretary of the Historic Preservation Commission.

8.3.4 Meetings and Rules of Procedure

- A. **Meetings.**
 1. **Regular Meetings.** The Historic Preservation shall meet on the third Wednesday of each month at 6:30 p.m., or as established by the Historic Preservation Commission due to holidays and unforeseen circumstances. Meetings may be held in person, virtually, or in a hybrid format as permitted by state law and City policy, provided public access and participation are maintained.
 2. **Special Meetings.** Special meetings may be called by the Chair of the Historic Preservation Commission or a majority of the members of the Historic Preservation Commission.
- B. **Minutes and Public Records.** The secretary of the Historic Preservation Commission shall keep minutes of its proceedings, recording the presence or absence of members and the vote of each member.
- C. **Meetings and Hearing to the Public.** All meetings and hearings of the Historic Preservation Commission shall be open to the public.
- D. **Public Notice.** Public notice of Historic Preservation Commission meetings shall be provided as required for each application type as provided in Chapter 10, Public Hearing Application, Review Procedures.

- E. **Quorum.** A majority of the appointed members shall constitute a quorum for the transaction of business. All rules, policies and procedures governing the Historic Preservation Commission shall be hereinafter governed by this requirement.
- F. **Consideration of Applications and Other Actions.** The Historic Preservation Commission may take action or make a decision or other determination by majority vote of the quorum present at the meeting. Both the Chair and Vice Chair, when in attendance, are authorized to vote on the decision.
- G. **Appeal.** The City Clerk shall be authorized to accept service for any appeal.

8.3.5 Rules and Operating Procedures

- A. The Historic Preservation Commission shall follow any by-laws and rules for the transaction of business adopted by the Mayor and City Council.
- B. The Historic Preservation Commission shall maintain a record of its resolutions, transactions, findings, and determinations, which record shall be public record.

8.3.6 Powers and Duties

The Mayor and City Council hereby create the Historic Preservation Commission with the following powers and duties:

- A. **General Authority.**
 - 1. The Historic Preservation Commission shall perform duties as directed by the governing body.
 - 2. The Historic Preservation Commission may exercise additional powers as may be described elsewhere in this UDC, as applicable.
- B. **Duties.**
 - 1. With respect to this UDC, the Historic Preservation Commission shall be responsible for the following duties:
 - 2. Prepare and maintain an inventory of property having the potential for designation as historic property;
 - 3. Restore or preserve historic properties acquired by the City;
 - 4. Promote the acquisition by the city of façade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., § 44-10-1 et seq.);
 - 5. Conduct educational programs on historic properties located within the city and on general historic preservation activities;
 - 6. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

7. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
 8. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
 9. Perform historic preservation activities as the official agency of the Stockbridge Historic Preservation Program;
 10. Employ persons, if necessary, to carry out the responsibilities of the Historic Preservation commission;
 11. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Historic Preservation Commission shall not obligate the City without prior consent from City Council;
 12. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
 13. Participate in private, state, and federal historic preservation programs and with the consent of the City Council, enter into agreements to do the same.
- C. **Review Authority.** With respect to this UDC, the Historic Preservation Commission shall review and make recommendations to the Mayor and City Council regarding:
1. Specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts; and
 2. The designation of any district, site, building, structure, or object as a historic property or historic district should be revoked or removed.
- D. **Final Authority.** The Historic Preservation Commission shall be responsible for final action regarding:
1. Certificates of Appropriateness; and
 2. Historic properties or buildings identified as deteriorating by neglect.

8.4 Governing Body

8.4.1 Purpose

The purpose of this section is to establish the authority for review and consideration of certain applications and other proposed actions, and to assign authority to the governing body, the Mayor and City Council of Stockbridge, Georgia.

8.4.2 Powers and Duties

- A. **General Authority.** The Mayor and City Council shall have the powers and duties listed below, in addition to those provided elsewhere in the City of Stockbridge Charter, Code

of Ordinances, the Georgia Constitution, Georgia General Session Laws, and applicable federal and local laws.

- B. **Final Authority.** The Mayor and City Council shall be responsible for final action regarding:
1. Zoning Map Amendments;
 2. Text Amendments;
 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 4. Variances;
 5. Special Use Permits;
 6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and
 8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Appointments.** The Mayor and City Council shall appoint members of review bodies, as required by this UDC.

8.5 Community Development Director

8.5.1 Defined

The Community Development Director shall be the head of the Planning and Zoning Division, as well as other divisions of the Community Development Department, and shall be responsible for administration and enforcement of this UDC.

8.5.2 Delegation of Authority

The Community Development Director may delegate any of their authority or responsibility under this UDC by designating one or more City staff members to execute such authority.

8.5.3 Powers and Duties

With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:

- A. **General Authority.**
1. The Community Development Director shall perform related duties as directed by Mayor and City Council; and
 2. The Community Development Director shall have the powers and duties listed below, in addition to those provided elsewhere in this UDC and other City of Stockbridge Code, as applicable.

- B. **Review Authority.** With respect to this UDC, the Community Development Director shall review and make recommendations regarding the following:
1. Zoning Map Amendments;
 2. Text Amendments;
 3. Amendments to the Comprehensive Plan and associated Future Land Use Map;
 4. Variances;
 5. Special Use Permits;
 6. Zoning Modifications to conditions placed on special uses, variances, and rezonings as previously approved by the Mayor and City Council;
 7. Tier 2 Waivers; and
 8. Adoption or amendment of design standards, including signage, gateways, and streetscape guidelines, when referenced by the UDC.
- C. **Final Authority.** With respect to this UDC, the Community Development Director shall be responsible for final action regarding:
1. Chapter 14, Subdivisions;
 2. Section 11.2, Administrative Variances;
 3. Section 10.8, Tier 1 Waivers; and
 4. Other duties specified elsewhere by this UDC.

CHAPTER 9: ADMINISTRATIVE DEVELOPMENT PROCEDURES

9.1 Purpose and Intent

- A. This UDC sets forth procedures for receiving, reviewing, and rendering decisions for the development of any property in the City of Stockbridge. This UDC also sets forth the requirements for appealing decisions and enforcement. The procedures and requirements set forth in this UDC shall be followed in seeking approval of any development. The purpose of this UDC is to establish procedures and standards for the development and subdivision of land. This Chapter aims to achieve the following:
1. Orderly growth and development of new and redeveloped neighborhoods.
 2. Coordinate streets within proposed neighborhoods with existing or planned streets and other public facilities.
 3. Distribute population and traffic in a manner that will mitigate congestion and overcrowding.
 4. Dedicate or reserve parks, greenspaces, and recreational areas, accessible to all residents to serve as community focal points.
 5. Set standards for landscaping and detailing of the public domain of streets, parks, and squares to promote pedestrian oriented atmosphere and civic awareness.

6. Provide for pleasing visual environments to ensure public health, safety, and the general welfare to residents of the City.
7. To facilitate adequate provision for water, sewer, and stormwater management facilities; dedication of rights-of-way or easements for streets and utility purposes; proximity of residential areas to employment centers and shopping; further subdivision of larger tracts into smaller parcels; proper land records for public convenience; and permanent identification of real property boundaries.
8. To protect and enhance the quality of the natural environment of the City by encouraging preservation and protection of significant existing trees, assisting in natural control of solar heat, reducing development impacts on storm drainage, assisting in soil conservation and flood control, reducing air emissions and noise, conserving local water supply, and enhancing the visual and aesthetic appearance of the community.

9.2 Permits

- A. No construction or installation of improvements shall commence in any development until the land disturbance permit has been approved and all applicable preliminary plats, construction plans, and specifications have been approved by the appropriate authorities.
- B. No development permit shall be issued for the disturbance or construction of any lot until all requirements of this UDC have been met, unless otherwise provided in this UDC.
- C. No building permit shall be issued for the erection of any building or structure until all requirements of Title 8, Chapter 8.08 of the City of Stockbridge Code of Ordinances are satisfied and until a Certificate of Appropriateness has been issued, if applicable.
- D. Development, building, and other permits shall only be issued for development on lots of record as defined by this UDC.
- E. No permits shall be issued on lots described only by metes and bounds.
- F. All development activities or site work conducted following the approval of a subdivision plat or development plan shall conform to the specifications of the approved plans.

9.2.1 Expiration, Changes, and Extensions

- A. **Application Expiration.** An application for land development permit shall expire 12 months after the issuance of the latest letter or comments of permit revisions or approval. The application will not expire within 12 months if the inactivity is a result of a pending review from an external agency outside the applicant's control.
- B. **Issued Permit Expiration.** An issued development permit remains valid for the duration of the project subject to the following time restrictions:

- A. Development permits expire 12 months from the date of issuance if no activity has been initiated on the project; or
- B. If 12 months elapses between observed activity during proactive inspections.
- C. **Issued Permit Expiration Extension.** The Community Development Director is authorized to grant an extension of a development permit for a period of not more than six (6) months. To request an extension, the owner or developer shall submit a written request to the Director no later than 30 days after expiration. The Director is authorized to grant only one, one-time extension request for the subject development permit.
- D. A lapse in or suspension of application or development activity that is the direct result of action or inaction by the City of Stockbridge or an external review authority and for reasons outside the control of the applicant will not be considered a lapse in activity causing the development permit to expire.
- E. Changes to a previously approved development plan shall require formal re-approval prior to commencement of development activities, except for the following circumstances:
 - A. Repairs to a facility that is part of a previously approved and permitted development.
 - B. Accessory structures, provided applicable permits are obtained.

9.2.2 Application Review and Completeness

- A. All applications for development permits and building permits in the City shall submit a completed application form and copies of plan sets along with required review fees, as required by the instructions on the form or informational materials provided by the Community Development Department. Partial, incomplete, or unassembled submittals or resubmittals shall be rejected.
- B. Application materials shall be distributed as provided below:
 - 1. Upon determination of a completed application packet, the Department shall distribute the application for review to internal City departments. If external agency reviews are required, the Department shall direct applicants to the external agency for review.
 - 2. City reviews and external agency reviews may occur concurrently, but the City shall not issue any permits until the external agency approval is received.
 - 3. A traffic impact study may be required as part of a development permit review for projects that meet any threshold in Section 16.1, Multimodal Traffic Impact Studies.
- C. The Department shall determine whether an application is complete and notify the applicant within five (5) business days of receipt.

- D. If the Department determines that the application is not complete, it shall send notice to the applicant identifying the deficiencies. The applicant shall have 30 calendar days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken. If the applicant fails to correct the deficiencies within the thirty-day period, the application shall be deemed withdrawn, and fees shall be forfeited.
- E. If the Department determines that the application is complete, the application shall be processed for review and action.
- F. Any checklists provided by the City are intended as a guide and convenience for the applicant. Approval or required revisions are based solely on whether the submittal meets the requirements of this UDC.
- G. No development or building permit shall be issued prior to project acceptance by the water and wastewater service provider. The City may require submission of a capacity letter, will-serve letter, utility approval letter, executed service agreement, or other documentation deemed acceptable by the service provider.
- H. No development or building permit shall be issued prior to full payment of all applicable fees as determined and periodically adjusted by the City.
- I. In addition to the requirements of this chapter, applications shall comply with Title 8, Chapter 8.08 of the City of Stockbridge Code of Ordinances, as applicable.

9.2.3 Authority and Applicability

- A. The Community Development Director oversees issuance of all development permits to ensure site work conforms to federal, state, and local regulations.
- B. The Director shall have the authority to approve, approve with conditions, or deny the application.
- C. A development permit is required for land disturbance activity including, but not limited to, clearing and grubbing, dredging, grading, excavating, filling, storage, and construction of improvements such as streets, parking facilities, driveways, access drives, stormwater drainage facilities, sidewalks, or other permanent structures placed on or in the property.
- D. Water and sanitary sewer system improvements shall be authorized by the utility provider; however, utility placement and land disturbing activities associated with utility work shall be reviewed and permitted by the City to ensure compliance with affected Code standards that may be affected by the construction of such utilities.

9.2.4 Development Plan Components

- A. All documents submitted as part of an application for land disturbing activity shall abide by the requirements of this subsection. Any submittal that does not satisfy one or more requirements shall be rejected unless the requirement does not apply to a particular submittal.

1. Drawings, except final plats and as-built plats, may be submitted as digital files.
2. All drawings shall contain the dates of preparation and any revisions.
3. All drawings shall be at the same scale and shall be a minimum of one (1) inch equals 100 hundred feet.
4. Drawing sheets shall be uniform in size, no larger than 24 inches by 36 inches and shall be uniform in size for a submittal.
5. All drawings shall contain a graphic and written scale and a north arrow.
6. All drawings shall contain the name, address, and telephone number of the preparer(s), property owner(s) and developer(s).
7. 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.
8. All drawings shall contain the seal and signature of the licensed professional preparing the drawings and computations.
9. All development plans shall be accompanied by a stormwater management plan meeting the requirements of Chapter 17, Stormwater Management of this UDC.
10. If the subject development proposal would directly disturb a regulatory floodplain, an engineering study and a floodplain management plan shall be provided, in compliance with the requirements set forth in Chapter 15, Environmental Protection of this UDC.
11. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Chapter 4, Development Standards of this UDC. The plan shall identify all trees, natural features, and manmade structures that will be retained upon the site, and describe proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.
12. If the subject development proposal would contain protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection in Chapter 4, Development Standards of this UDC.
13. Applications for new or expanded mines or quarries shall provide information necessary to demonstrate compliance with State and Federal laws and regulations.
14. The applicant shall submit two (2) copies of construction improvement plans to the Henry County Water and Sewer Authority (HCWSA), or to the appropriate agency which supplies water and sewer services to the subject property.

15. 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 twenty-four-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 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 Chapter 15, Environmental Protection of this UDC and the requirements in the current edition of the Manual for Erosion and Sediment Control in Georgia.
 - h. Provide the following 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.

9.2.5 Development Plan Review Specifications

- A. The applicant shall submit the number of copies of development plans, supporting data, and supporting plans as specified by the City. All documents submitted as part of an application for land disturbing activity shall meet every specification provided in this subsection. Any submittal that does not satisfy one or more of the requirements herein shall be rejected by the City unless the subject requirement does not apply to a particular submittal.
 1. All information needed to demonstrate compliance with the site design and development standards in this UDC.

2. Depiction of existing land uses on adjacent parcels.
3. Draft of proposed covenants or deed restrictions to be imposed on the site.
4. Current zoning designation(s) of the site, including any conditions of zoning the any portion of the property is subject to.
5. The property owner name(s), zoning designations, and tax map parcel numbers of all adjacent parcels.
6. Total site area as measured in acres (minimum precision: the nearest hundredth acre) and square feet (minimum precision: the nearest square foot).
7. Topographic contours and vertical intervals of not more than two (2) feet.
8. Soil conditions pursuant to the U.S. Soil Conservation Service Classifications Manual.
9. Proposed gross residential density and net residential density of the development.
10. Lot layout, 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 developments, 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. Depict 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 one hundred-year flood hazard, including contour elevations, and geologic features, and other protected environmental features, as set forth in Chapter 15, Environmental Protection, including an outline of wooded areas, vegetation, and surface drainage, together with information on methods for protection of natural features as required in this UDC. 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 one-hundred-year flood hazard area shall be shown. In addition, the foundation elevation that is a minimum of three (3) feet above the established one-hundred-

year flood evaluation shall be shown. This data may be provided either on the layout or in tabular form.

16. Depiction of required stream buffers and setbacks on the property. Provide detailed plans of all proposed development in the buffer and of all proposed impervious cover within the setback.
17. 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.
18. Proposed buffers, landscaping, and tree protection areas and zones. This shall include the location, size, and type of proposed plant materials.
19. Location of all proposed buildings, with indication as to how they will be used (commercial, industrial, recreational or public facility).
20. Details regarding other proposed structures or additions to existing structures, including accessory structures and signs.
21. The configuration and names of proposed roads, alleys, sidewalks, trails, and multi-use paths, with width of pavement and rights-of-way. Total linear feet of proposed roads (per phase and total) shall be indicated.
22. Construction plans of streets including typical cross-section and grade profiles, showing the percent of each grade and length of each vertical curve.
23. Show the centerline stopping distance for all points of access onto public roads and posted speed limits on existing roads.
24. 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 Chapter 16, Infrastructure Improvements.
25. Construction plans of sanitary sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.
26. 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 one-hundred-year storm event. All storm pipes within any City right-of-way shall be approved by the City.

27. Construction plans of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
 28. Final contours; street profiles may suffice in indicating cut and fill volumes; however, in many cases, final contours must be shown on the plans.
 29. Any structural practice used shall be explained and illustrated with detail drawings.
 30. Permanent reference monuments shall be depicted and guaranteed by use of steel pins not less than one-half (½) inch in diameter and 30 inches long, with a survey marker cap showing the land surveyors registration number shall be set at all lot corners. Any monuments disturbed by construction or grading shall be reset by the prior to the conclusion of development activities.
 31. A demolition plan, if any existing structures or buildings are proposed for partial or total demolition, removal, or relocation.
 32. All of the following notes must be prominently provided on the plan set:
 - a. A 20 foot 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 [the] 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 "tenax" (or similar type fencing); and shall be submitted to the City for approval prior to grading.
- B. Any project to be developed in phases shall provide all information for the total site and for each phase.
- C. Applications for development plans within each watershed protection area identified and regulated in Chapter 15, Environmental Protection 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 one-hundred-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 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.
- D. The Director of Community Development shall cause for the applicant to be notified of any application deficiencies pursuant to the requirement of this subsection, and the changes necessary to achieve compliance.
 - E. A soil erosion and sedimentation control plan, when in compliance with the standards for erosion and sedimentation control as set forth in Chapter 15, Environmental Protection of this UDC shall be approved prior to issuance of a permit for land development activity.

9.2.6 Pre-Construction Meeting Required

- A. Prior to commencement of site grading, the applicant shall arrange a pre-construction conference with appropriate City of Stockbridge staff. The meeting shall include review of the soil erosion and sedimentation control plan, street cross-sections and profiles, construction specifications, inspections and testing procedures, stormwater drainage and detention facilities, and other matters concerning the development. The applicant shall provide names, telephone numbers, addresses, and business license numbers of all contractors and subcontractors employed on the job.
 1. A separate pre-construction meeting is required with the Henry County Water and Sewer Authority prior to any water or sanitary sewer installation.
- B. A development permit shall be issued only after approval of construction improvement plans and the soil erosion and sedimentation control plan. Site grading shall be limited only to areas clearly defined in approved plans. Site grading without an approved soil erosion control plan and development permit is a violation of this UDC and shall result in enforcement penalties as provided in Chapter 12, Violations, Penalties, and Enforcement.

9.2.7 Permitting Requirements

- A. All applications for land development activities shall be completed on forms provided by the City.
- B. Applications shall be accompanied by payment of fees as required by each department's most recently approved fee schedule.
- C. No development permit shall be approved absent the submission of a scaled site plan that depicts lot boundaries, all existing conditions, and all proposed improvements.
- D. The disturbance of land for solely residential development shall not begin prior to a site inspection by the City. The inspection must yield an affirmative result and confirm

compliance with this UDC before disturbance activities may commence. Additional inspections may be made, as necessary at the discretion of the City, in order to verify compliance with the requirements of this UDC.

- E. The disturbance of land for purposes other than solely residential development shall satisfy all of the following requirements.
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. 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.
 3. 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 to the application and plan to the district.
 4. Identification of any violations of previous permits, the requirements of Chapter 15 of this Code, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration.

- 5. Proof of irrevocable letter of credit.
- F. Proof of payment of all ad valorem taxes levied against the property.
- G. For development requiring the recordation of a final plat, no development permit shall be issued until the Community Development Department has received a copy of the recorded plat bearing the recording information of the Clerk of Superior Court. The applicant shall be responsible for providing said copy.
- H. Any development permit may be suspended, revoked, or modified by the Director of Community Development, 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 UDC. 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.

9.3 Timber Harvesting

- A. Applications for timber harvesting are subject to the requirements provided below:
 - 1. A parcel that has been declared silvicultural shall provide all of the information as part of an application to harvest or remove timber.
 - 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 Chapter 16, Infrastructure Improvements of this UDC.
 - c. A commitment to follow the Georgia Forestry Commission "Best Management Practices."
 - d. A commitment to reforestation of the site.
 - 2. Upon approval by the City, a combined timber removal and logging permit shall be issued.
- B. Land designated for silvicultural activities may subsequently be developed, provided that a development plan has been prepared and approved by the Director prior to clearing, grading, clear-cutting, or other land disturbance. Where a development plan has been approved, land disturbance and timber removal permits may be issued by the City pursuant to the requirements of this Chapter.

CHAPTER 10: PUBLIC HEARING APPLICATION, REVIEW PROCEDURES

10.1 Generally

10.1.1 Purpose

The purpose of this Chapter is to provide the procedures and general standards for review of applications that are submitted to administrators or review bodies with the City of Stockbridge under this UDC.

10.1.2 Application Requirements

The requirements of this Section shall apply to all applications unless otherwise provided in this UDC. Where applicable, detailed requirements are provided in each application-specific section.

10.1.3 Pre-Application Meeting

- A. The purpose of the pre-application meeting 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 UDC is that all procedural and development requirements be identified during the pre-application meeting. 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 meeting, 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 pre-application conference may be in person or via virtual meeting/call.
- D. A pre-application conference may be waived by the Community Development Director at their discretion.
- E. City-initiated petitions are exempt from pre-application meeting requirements.

10.1.4 Forms and Fees

- A. Applications required under this UDC shall be submitted on standardized forms approved by the City. All applications shall be filed and completed as specified on the application form.
- B. All fees associated with a review must be paid in full before any application will be processed or reviewed.
- C. Filing fees are established and reviewed periodically to defray the cost of processing the application. Fees shall be adopted by the Mayor and City Council.

10.1.5 Determination of Completeness

- A. All applications shall be complete before their 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. **Effect of Incomplete Application.** If the Community Development Director determines that the application is not complete, the Community Development Director shall send notice to the applicant identifying the deficiencies. The applicant shall have 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.

10.1.6 Application Deadline

Applications shall be submitted in accordance with the published Planning and Zoning calendar schedule. A Planning and Zoning schedule indicating submittal dates shall be developed each year, submitted to the City Clerk and made available to the public, upon request.

10.1.7 Concurrent Applications

Related applications may be filed and reviewed simultaneously. Applications submitted simultaneously are subject to individual approval. Any application that is contingent upon the approval of another application shall not be eligible for final approval until the contingent application is first approved.

10.1.8 Application Withdrawals, Deferrals, Continuances

- A. **Withdrawals.**
 - 1. The applicant may withdraw an application in writing at any time prior to the final decision by the appropriate reviewing body on said application.
 - 2. If a request to withdraw an application is made in a public hearing, the applicant may do so by stating the request on the record.
- B. **Deferrals at Applicant Request (Postponement to a Certain Time).** The applicant may request a deferral to a future scheduled meeting by requesting the deferral in writing in advance of the meeting, or by the request on the record at the meeting. In either case, the applicable review or governing body shall vote in a properly advertised meeting to postpone to a certain time. If the date and time of the meeting are not indicated at the time of the originally scheduled public hearing, the application shall be readvertised pursuant to the Public Notice requirements.

C. **Deferrals by Reviewing or Governing Body (Postponement to a Certain Time).** Deferrals by a reviewing body or governing body are authorized, but final decisions shall be made within the identified timeframes outlined herein.

1. **Mayor and City Council.** Mayor and City Council shall have the authority to postpone to a certain time the review of an application scheduled for public hearings to any future date chosen by the governing body.
2. **Planning Commission.** The Planning Commission shall issue a recommendation to approve or deny an application or petition within 45 days after the opening of the public hearing or comment period. Failure of the Planning Commission to act within the forty-five-day period shall constitute a recommendation that the application be forwarded to the Mayor and City Council for a final decision.

10.2 Procedures Summary

Table 10.2, Procedures Summary Table, provides a summary of review and decision-making authority under this UDC. In the event of conflict between Table 10.2, Procedures Summary Table and the detailed procedures identified in this UDC, the detailed procedures govern.

Table 10.2 - Procedures Summary Table			
Application Type	City Staff	Planning Commission	Mayor and City Council
Text Amendments	R	<R>	<DM>
Rezoning (i.e., Map Amendments)	R	<R>	<DM>
Modifying Conditions of Zoning (major)/Master Plan Amendments (major)	R	<R>	<DM>
Special Use Permit	R	<R>	<DM>
Variance	R	<R>	<DM>
Tier 2 Waiver	R	<R>	<DM>
Legend: 1. R = Review or Recommending Body 2. DM = Decision-Making Body (Final Decision) 3. <> = Public Hearing required			

10.2.1 Requirements for Amending the Official Zoning Map (Rezoning)

A. Requirements.

1. 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.
2. For rezoning applications filed by others than those initiated by the City of Stockbridge governing body or staff, where properties are held in ownership by multiple persons or entities, it shall be the responsibility of the applicant to ensure they have obtained proper consent to the rezoning from all persons or entities with an ownership stake in the rezoning.
3. If the applicant is acting as the agent of the property owner, the agent shall submit an authorization form executed by the property owner authorizing the agent to file on the owner's behalf. No application shall be accepted unless such authorization is provided.

B. Official Application.

1. Prior to the submittal of an application for rezoning, the applicant shall have participated in the pre-application meeting.
2. Applications shall include, at a minimum, the following information:
 - a. Application form;
 - b. Proof of ownership;
 - c. Property Owner Authorization;
 - d. Campaign Disclosure Forms;
 - e. A property survey conducted no more than five (5) years prior to the filing of the application. 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;
 - f. A letter of intent, which outlines the details of the request, the reason for requesting an amendment to the zoning map, and addresses the criteria in Section 10.2.2, Review Standards for Rezoning Applications;
 - g. A concept plan containing the information set forth below:
 - i. Project name;
 - ii. Vicinity map showing zoning districts and existing land use within 500 hundred feet of the boundaries of the site;
 - iii. Total area in acres and square feet;

- iv. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district;
 - v. 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;
 - vi. General location of existing and proposed roads and utility rights-of-way or easements;
 - vii. Location of existing property lines within the development site;
 - viii. General location of existing and proposed development by type of use;
 - ix. Proposed residential density and dwelling unit types, if applicable; and
 - x. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
- h. A general plan for the provision of utilities and infrastructure, to include a report or letter from the City's Public Works Department, the Henry County Water and Sewer Authority, or the Clayton 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;
 - i. A traffic impact study or trip generation report if it exceeds the thresholds found in Section 16.1.3.A, Thresholds of Applicability.
 - j. Architectural renderings or building plans, as determined by the Community Development Director; and
 - k. Proof of payment of fees.

C. Action by the Director.

- 1. The Director shall prepare a staff report addressing the following uses, 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 UDC.
 - 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, should 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. A Community Zoning Information Meeting is required pursuant to Section 10.2.11, Community Zoning Information Meeting (CZIM).
- E. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
- F. **Planning Commission Recommendation.**
 - 1. The application shall be submitted to the Planning Commission for review at a public meeting prior to a public hearing before the Mayor and City Council.
 - 2. The Planning Commission shall review and make recommendations on the proposed rezoning based upon the standards in Section 10.2.2, Review Standards for Rezoning Applications.
 - 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, approval with an alternative zoning district that is lesser intensity than that which was advertised, or denial. Findings shall be set forth in official minutes of the Planning Commission.
- G. **Mayor and City Council Action.**
 - 1. The Mayor and City Council shall consider the rezoning application 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 request subject to certain conditions necessary to promote and protect the health, safety, and general welfare of the general public and adjacent properties.
4. 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 of the general public and adjacent properties.
5. 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 UDC.
6. 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 12 months has elapsed from the date of withdrawal.
7. Following the public hearing, the Mayor and City Council shall approve, approve with conditions, approve with alternative zoning district that is of lesser intensity than that which was advertised, deny, defer, or any other action within the scope of the Mayor and City Council authority as outlined elsewhere in this UDC, the City of Stockbridge Code of Ordinances, or State or Federal Law.

8. 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 12 months immediately following the defeat of the rezoning by the Mayor and City Council.

10.2.2 Review Standards for Rezoning Applications

- 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 (1) 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 zoning district unrelated, and not contiguous, 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 welfare of the general public and adjacent properties.
 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, and 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 welfare of the general public and the adjacent properties.
- C. If the Mayor and Council determine from the evidence that has been presented that the applicant has shown that the proposed zoning map amendment promotes the health, safety, morals, or welfare of the general public and adjacent properties 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 welfare of the general public and adjacent properties.
 - 4. The relative gain to the public, as compared to the hardship, if any, which may be imposed upon the individual property owner.
 - 5. The suitability of subject property for development purposes as it is presently zoned.
 - 6. The length of time the property, if it is vacant, has been vacant as it is currently zoned, considered in the context of land development in the vicinity of the property.
 - 7. 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.
- E. If the Mayor and Council determine, from the evidence that has been 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.

10.2.3 Annexation Criteria

- A. When a rezoning request is accompanied by an annexation request, the following criteria shall be considered when reviewing the annexation request:

1. Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory and 489 Agreement, as adopted and amended over time;
2. Adequacy of access to the site, or the potential for such adequate access to be provided;
3. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
4. The annexation is in the best interest of the City. Generally, the Mayor and City Council may consider the annexation is in the best interest of the City if it meets two (2) or more of the following criteria:
 - a. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other service-related problems;
 - b. It provides land for development to meet public needs including jobs and/or housing in an orderly and logical growth pattern;
 - c. It fills in gaps in existing islands or other types of non-contiguous boundaries;
 - d. It provides needed routes for utility and transportation networks.

10.2.4 Requirements for Modifying Conditions of Approval and Modifying Approved Master Development Plans

- A. An applicant may file a zoning modification application to request approval of changes to previously approved quasi-judicial actions for master development plans. Such changes may be major or minor and shall be modified in accordance with this Section.
- B. **Major Modifications.** Major modifications include changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to zoning approval as conditions of approval. The following procedures shall be followed:
 1. An application shall be submitted containing details of the amendment requested and the situation giving rise to the need for an amendment. It shall be accompanied by plans fully describing the nature and extent of the amendment.
 2. A staff report shall be prepared to address the requirements that are listed in this section for the amended concept plan and/or zoning conditions.
 3. A community zoning information meeting is required pursuant to Section 10.2.11, Community Zoning Information Meeting (CZIM).
 4. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.

5. The Planning Commission shall review the application for an amended concept plan at a public meeting. The Planning Commission shall consider the application for amended conditions placed on special uses and/or variances and make a recommendation to Mayor and City Council according to the procedures in Section 10.2, Procedures Summary.
 6. 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 10.4, Procedures for Conducting Public Hearings.
- C. **Minor Modifications.** Minor modifications include changes to dimensional design features as depicted on a concept plan. Such dimensional design features, as are provided on a development plan, shall generally conform to the conditions depicted on the concept plan but shall be allowed to vary, provided 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 that are 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 Chapter 9, Administrative Development Procedures.
- D. 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.

10.2.5 Requirements for Special Use Permits

- A. Special Uses within each zoning district are uses that may be appropriate in a particular zoning district if controlled as to number, area, location, or relation to other uses may be appropriate in a particular zoning district. A Special Use Permit shall be required for all special uses (identified with an “S” designation) as set forth in the permitted use table in Table 3.1.B, Land Uses or as part of a “use” condition.
- B. Specific use standards may be applicable to the approved special use.

- C. Any use or activity on the property that is not specifically permitted by Chapter 2, Zoning and Overlay Districts, or the Special Use Permit, as modified, shall be deemed unlawful and subject to Chapter 12, Violations, Penalties and Enforcements.
- D. **Requirements.** An application for a Special Use Permit may be submitted by any person, firm, corporation, or agency, provided they are the owner or owner's representative of the subject property.
- E. **Official Application.** The applicant shall submit the special use permit application and associated documents, as identified in Section 9.2.1, Requirements for amending the official zoning map (rezonings).
- F. **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 that are necessary to protect the public interest, and to assure the continued beneficial use and enjoyment of nearby properties; or that no special limitations are necessary to protect the public.
 - e. The special 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.
- G. A community zoning information meeting is required pursuant to Section 10.2.11, Community Zoning Information Meeting (CZIM).
- H. **Public Hearing.** The director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
- I. **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 at a public meeting prior to a public hearing before the Mayor and City Council.
 - 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.

J. Mayor and City Council Action.

1. The Mayor and City Council shall consider the application for Special Use Permit at a public hearing.
2. The Mayor and City Council shall consider the information that is set forth in the staff report and the findings and recommendations of the Planning Commission.
3. In deciding upon any application for a Special 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 request subject to certain conditions that are necessary to promote and protect the health, safety, and welfare of the general public and the adjacent properties.
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) that are 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 UDC.
5. Prior to a final vote being taken upon any application for a Special 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.
6. Following the public hearing, the Mayor and City Council shall approve, approve as recommended by the Planning Commission, approve with conditions, deny, or defer the Special Use Permit.

7. If the zoning decision of the Mayor and City Council is for a Special Use Permit application to be denied, then the same property shall not again be considered for a Special Use Permit until the expiration of at least 12 months immediately following that denial.

10.2.6 Review Standards for Special Use Permit

- A. In the interest of 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 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;
 10. Ingress and egress to the property; and
 11. Any other pertinent factors.
- 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.

10.2.7 Requirements for Certificate of Appropriateness

- A. A Certificate of Appropriateness is required for a material change in the appearance of a designated historic property, building, structure, site, or object within a historic district, unless exempted by this UDC.
- B. **Exemptions.** The following shall be exempt from the provisions of this article:
 1. Interior arrangements.
 2. The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation.
 3. Local governments are exempt from the requirements of obtaining a certificate of appropriateness; provided, however, that local government shall notify the

commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

4. Minor repairs that do not alter the historic or architectural features existing on the building.
 5. In the event an applicant is not certain about whether an item requires a Certificate of Appropriateness or not, an application shall be submitted to the Director for review. The Director shall determine if a Certificate of Appropriateness, with advice provided by the Chair of the Historic Preservation Commission, is required.
- C. **Requirements.** An application for a Certificate of Appropriateness can be submitted by any person, firm, corporation or agency for a Certificate of Appropriateness, provided they are the owner or the owner's representative of the subject property.
- D. **Official Application.**
1. An application to amend the text of the UDC shall be submitted on forms provided by the City.
 2. Prior to submittal of an application for rezoning, the applicant shall have participated in the pre-application conference.
 3. Applications shall, at a minimum, include the following information:
 - a. Project name;
 - b. Vicinity map showing zoning districts and existing land use within 500 hundred feet of the boundaries of the site;
 - c. Total area in acres and square feet;
 - d. Current 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; and;
 - j. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
 4. Application form;

5. Proof of ownership;
6. Property Owner Authorization;
7. A letter of intent, which outlines the proposed scope of work;
8. A concept plan containing the information set forth below:
9. Photographs of all four sides of existing buildings and adjacent structures;
10. Archaeology report if the property contain a documented archaeological site;
11. 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.
12. Architectural renderings or building plans, as determined by the Community Development Director;
13. Digital copy of material sample board for any materials being introduced to the exterior of the building or on the site; and
14. Proof of payment of fees.

E. Action by the Director and Historic Preservation Action.

1. The Director shall determine completeness

F. Public Hearing. The director shall advertise for the public hearing at the Historic Preservation Commission in accordance with Section 10.3, Public Notice Requirements.

G. Historic Preservation Action

1. The Historic Preservation Commission must approve or reject an application within 45 calendar days after filing of a complete application.
2. Following the public hearing, the Commission shall approve, approve with conditions, or reject the Certificate of Appropriateness. Failure to act within the 45 day period constitutes approval of the application. This time may be extended if both the application and the Historic Preservation Commission agree on an extension.
3. The Historic Preservation Commission shall consider the application for a Certificate of Appropriateness at a public hearing.
4. In deciding upon any application for a Certificate of Appropriateness, the Historic Preservation Commission may, on their own motion or upon the suggestion of the applicant, grant the application subject to certain conditions necessary to promote and protect the historic property, building, or district.
5. The Historic Preservation Commission may include conditions which they deem necessary in order to make the requested action acceptable and consistent with

the aesthetic, historic, architectural significance and value of the historic property, building involved. 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 UDC.
6. Prior to a final vote being taken upon any application for a Certificate of Appropriateness 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.
 7. Following the public hearing, the Historic Preservation Commission shall approve, approve with conditions, or reject the Certificate of Appropriateness.
 8. A Certificate of Appropriateness shall become void unless construction commences within six (6) months of the date of issuance. A Certificate of Appropriateness shall be issued for a period of 18 months and is renewable.

H. **Appeals.** Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or rejection of a Certificate of Appropriateness may appeal such determination to the City Council. The appeal shall follow the procedures found in Section 11.3, Appeals of Administrative Decisions.

10.2.8 Review Standards for Certificate of Appropriateness

- A. In the interest of the public health, safety and welfare, the Historic Preservation Commission may exercise limited discretion in evaluating a Certificate of Appropriateness. In exercising such discretion, the Historic Preservation Commission shall consider it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property, building, or district
- B. For reconstruction, alteration, new construction, renovation, relocation, or demolition, the Commission shall consider each of the following:
 1. Whether the proposed action conforms to the design, scale, building materials, setback and site features; and

2. Whether the proposed action conforms to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
- C. For relocation of a building structure, or object, the Historic Preservation Commission shall consider each of the following:
1. Whether the historic character and aesthetic interest the building, structure or object contributes to its present setting;
 2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
 3. Whether the building, structure or object can be moved without significant damage to its physical integrity; and
 4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
- D. For demolition of buildings, structures, sites, trees judged to be 50 years or older, or objects, the Historic Preservation Commission shall consider each of the following:
1. The historic, scenic or architectural significance of the building, structure, site, tree or object;
 2. The importance of the building, structure, site, tree, or object to the ambiance of a district;
 3. The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
 4. Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the City;
 5. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 6. Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse; and
 7. Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.
- E. **Undue Hardship.** When, by reason of unusual circumstances, the strict application of any provision of this Section would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional

stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

- F. In granting such certificates, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of the historic property, building, or district.

10.2.9 Requirements for Amendments of the UDC (Text Amendments)

This UDC may be amended by the Mayor and City Council on its own motion. If otherwise motioned, a complete application packet shall be required as described below:

- A. An application to amend the text of the UDC 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, approval with modifications or conditions, or denial. 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 which have been adopted in furtherance of the Comprehensive Plan.
- D. **Public Hearing.** The director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.
- E. The Planning Commission shall consider the proposed amendment to the UDC 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.

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 conditions, defer, or deny the proposed amendment to the UDC.

10.2.10 Requirements for Amendment to the Comprehensive Plan

The Comprehensive Plan may be amended by the Mayor and City Council on its own motion. If otherwise motioned, 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, approval with conditions, or denial.
- D. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 10.3, 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.
 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 conditions, defer, or deny the proposed amendment to the Comprehensive Plan.

10.2.11 Community Zoning Information Meeting (CZIM)

- A. **Purpose.** The purpose of the Community Zoning Information Meeting (CZIM) requirement is to help educate applicants and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests, and to identify unresolved issues.

- B. **Applicability.** CZIMs are applicant-initiated meetings required to be held for any non-City-initiated decisions as required by this chapter. They are encouraged in all cases..
- C. **Written Notice.** The applicant or their representative is responsible for completing all requirements of this section. Written notice is required for all CZIMs and shall be sent via certified mail to the owners of all properties that are located within 500 hundred feet of the boundaries of the subject property, as those property owners are listed on the tax records of Henry County. The notices shall be mailed at least ten (10) days before the date of the CZIM. Written notices shall indicate the nature of the application, the street address of the subject property, and the date, time, place and purpose of the meeting.
- D. The applicant shall host a meeting, either virtual or in-person, that is accessible to the general public.
- E. **Summary Report.** The applicant shall host the meeting and submit a summary of the CZIM prior to the public meeting before the Planning Commission. The summary report shall describe:
 - 1. Efforts to notify neighbors about the meeting date, time, and location (how and when notification occurred, and who was notified);
 - 2. Meeting location, date, and time;
 - 3. Who was involved in the discussions;
 - 4. Suggestions and concerns raised by neighbors; and
 - 5. What specific changes to the proposal were considered and/or made as a result of the meeting.

10.3 Public Notice Requirements

All hearings of the Mayor and City Council which involve annexation, zoning map amendments, text amendments of the UDC, Special Use Permits, major modifications of zoning conditions and/or master plans, appeals, and variances are public and subject to notification requirements under the State Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., where applicable. Planning Commission meetings shall be open to the public but are not required to be public hearings.

10.3.1 Public Notice Required

- A. Notice shall be provided by the City for public meetings and hearings regarding the following actions:
 - 1. Zoning Map Amendment;
 - 2. Special Use Permits;
 - 3. Text Amendments ;
 - 4. Major modification of zoning conditions and/or master development plans;
 - 5. Variances;

6. Certificate of Appropriateness; and
 7. Tier 2 Waivers.
- B. All required public notices shall include the following information:
1. Date and time of the public meeting or public hearing;
 2. Place of the public meeting or public hearing;
 3. Location of the property being considered;
 4. Purpose of the requested action; and
 5. For requests to amend the official zoning map, the notice shall include the current and proposed zoning district.
- C. Forms of notice required for public hearings may include mailed notice, published notice in a newspaper of general circulation, and posted notice by signs as required by Table 10.3.1, Types of Public Notice for Applications below.

Table 10.3.1 - Types of Public Notice for Applications				
Proposal	Mailed	Posted	Published	CZIM
Comprehensive Plan Amendments	Y	Y	Y	--
Annexation	Y	Y	Y	--
Rezoning (Map Amendment)	Y	Y	Y	Y
Modifying Conditions of Approval (Major)/Master Plan Amendment (Major)	Y	Y	Y	Y
Special Use Permit	Y	Y	Y	Y
Variance	Y	Y	Y	--
Certificate of Appropriateness	Y	Y	Y	--
Designation of a Historic District	Y	Y	Y	--
Designation of a Historic Property or Building	Y	Y	Y	--
Legend: 1. Y = Required; 2. "--" = Not Required				

10.3.2 Requirements for Publishing Legal Ads

- A. Upon receipt of a completed application, fees, and other information required by this Chapter or Chapter 9, Administrative Development Procedures, the Community Development Director shall cause notice of such application to be published within a newspaper of general circulation within the territorial boundaries of the City of

Stockbridge at least 15 but not more than 45 calendar days prior to the date of the public hearing.

- B. For applications to designate a local historic district or to designate a local historic property, notice of the public hearing shall be published at least ten (10) but not more than 20 days prior to the public hearing as provided in O.C.G.A. § 44-10-26 ("Georgia Historic Preservation Act"), or as amended. Notice of the public hearing shall be published on at least three (3) occasions prior to the public hearing.

10.3.3 Requirements for Posting Signs

- A. The City shall provide standardized signs for posting to provide public notice of meetings and hearings.
- B. Signs shall be posted as follows:
 - 1. The sign(s) shall be posted in a conspicuous location on the property, adjacent to the street, if possible.
 - 2. The sign(s) shall be posted not less than 15 and not more than 45 calendar days prior to the date of the public hearing. For applications to designate a local historic district or to designate a local historic property, signs shall be posted not less than ten (10) but no more than 20 days before the public 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. Any City-initiated request shall be exempt from these posted notice requirements of this section unless otherwise required by the State statute referenced in Section 10.3.5, Additional Notice Required.

10.3.4 Mailed Notices

- A. Mailed notice shall be provided to all adjacent property owners who own property within 500 hundred feet of the boundary line of the subject property, including those across public rights-of-way, at least 15 but not more than 45 calendar days prior to the public hearing for all variances, special use permits, modifications, amendments to the official zoning map, and certificates of appropriateness. Additionally, notice shall be sent to the subject property owner(s). Said adjacent property owner mailed notices shall be mailed by the applicant, and the applicant shall provide the Community Development Director proof of mailing.
- B. **How Property Addresses are to be Obtained.**
 - 1. Mailing addresses for property owners shall be obtained from the most recent tax digest available from the office of the Henry County Board of Assessors.

2. The Community Development Director shall prepare the content of the notice and be responsible for its mailing, unless otherwise required by the application process.

10.3.5 Additional Notice Required

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional requirements.

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning; or
- B. Halfway drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexation.

10.4 Procedures for Conducting Public Hearings

10.4.1 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 that are pertinent to the application. A portion of this time may be saved for rebuttal.
 2. Persons who are in opposition shall have a total of ten (10) minutes to address the board. Persons who are in support shall have a total of ten (10) minutes to address the board. Each person shall provide the Community 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 Community 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 certain date.
 - 5. Remand matters to the Planning Commission for additional review and recommendation if the nature of the request has substantially changed.
- F. Mayor and City Council shall announce its decision and instruct the Community Development Director or their designee 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.

10.4.2 Additional Hearing Requirements

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional requirements:

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning; or
- B. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexation.

10.5 Requirements for Development(s) of Regional Impact

- A. A proposed development that meets or exceeds 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 determination that the proposed development is not a DRI, the City may process applications using procedures that are set forth in this UDC.
- E. Upon conclusion of the DRI review, the City may continue with review and decision-making procedures as set forth in this UDC.
 - 1. The City is encouraged to include the public findings 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.

10.6 Requirements for Designation of Historic Districts and Properties

- A. **Requirements.** No ordinance designating any historic property, historic district, or expansion of a historic district may be adopted unless all requirements of this Section have been met.
- B. **Criteria.**
 - 1. **Historic District.** The property or properties to be reviewed for inclusion into the historic district or designation of a new historic district shall meet two or more of the following criteria:
 - a. Has special character or special historic/aesthetic value or interest;
 - b. Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
 - c. Causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or County.
 - 2. **Historic Property or Building.** The property or building to be reviewed for designation shall meet two or more of the following criteria:
 - a. It is an outstanding example of a structure representative of its era;
 - b. It is one of the few remaining examples of a past architectural style;

- c. It is a place or structure associated with an event or persons of historic or cultural significance to the City of Stockbridge, State of Georgia, or the region; or
- d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, County, State or region.

C. Official Application.

- 1. Applications for the expansion or designation of a historic district may be proposed by the Mayor and City Council, the Historic Preservation Commission, a historical society, neighborhood association, or property owners.
 - 2. An application to amend the text of the UDC shall be submitted on forms provided by the City.
 - 3. Prior to submittal of an application for rezoning, the applicant shall have participated in the pre-application conference.
 - 4. Applications shall, at a minimum, include the following information:
 - a. Description of the proposed property, properties, or building;
 - b. Proposed boundary of the historic district;
 - c. Evaluation of properties within a historic district as contributing or non-contributing;
 - d. List the name(s) of the owner(s) of the property, properties, or building;
 - e. Representative photographs of properties within the historic district;
 - f. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
 - g. Require that the property or district be shown on the official zoning map of the City of Stockbridge and be kept as a public record to provide notice of such designation.
- D. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.

E. Decision-Making Process

1. Historic Preservation Commission Recommendation

- a. The Historic Preservation Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, district, site, building, structure, or work of art proposed for designation or acquisition. No less than 30 days prior to making a recommendation on any ordinance to designate a property, building, or district, the Historic Preservation Commission must

submit the report to the Department of Community Affairs or its successor.

- b. A recommendation to affirm, modify, or withdraw the proposed ordinance for designation shall be provided to City Council within 15 days following the public hearing.

2. Mayor and Council Decision

- a. Upon receipt of a recommendation from the Historic Preservation Commission, the City Council may adopt the ordinance as proposed, with any amendments they deem necessary, or reject the ordinance.
- F. **Adoption.** Within 30 days immediately following the adoption of the ordinance, the owners and occupants of each designated historic property or building and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity for obtaining a Certificate of Appropriateness prior to undertaking any material change in the appearance of the historic property or building designated or within the historic district designated. This notice shall be provided in accordance with Section 10.3.4, Mailed Notices.

10.7 Zoning of Annexed Property with Common Zoning Classification

Property which has been 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 O.C.G.A. § 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, O.C.G.A. § 36-66-1 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, O.C.G.A. § 36-66-1 et seq., and the zoning amendment procedures under this Code.

10.8 Waivers

- A. **Applicability.** The waiver permits specified minor deviations from the zoning ordinance, as provided in the various articles of this Code and as consistent with the guiding principles of this Code. Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific cases of financial hardship, nor to allow the circumvention of the intent of this Code. There are two (2) tiers of waiver requests defined herein.

B. Authorized Waiver Requests.

1. **Tier 1.** Tier 1 waivers are minor in nature and are intended to solve minor issues that arise from the application of the Code during building and site design and development.
 - a. Reduce width of any dimensional standard for any architectural standard in Section 4.4, Architectural Guidelines by up to 20%.
 - b. Reduce width of any dimensional standard for any street or streetscape standard by up to 20%, but in no case shall the sidewalk be reduced to less than five (5) feet wide.
 - c. Reorder the landscaped strip, sidewalk, and building zones or relocate improvements and amenities among them (e.g., relocating trees to building zones).
 - d. Allow changes in frequency of improvements in the landscaped strip, sidewalk, and building zones in Section 4.3.10, Streetscape Standards by up to twenty percent (20%) (e.g., increase the separation of bicycle racks from two hundred fifty (250) to three hundred fifty (350) feet).
2. **Tier 2.** Tier 2 waivers are more significant requests that would result in a more substantial departure from the Code requirements.
 - a. Reduce width of any dimensional standard for any street or streetscape standard by any amount.
 - b. Reduce, alter, or eliminate any standards in Section 4.4, Architectural Guidelines.
 - c. Reduce, alter, or eliminate any standards in Section 4.3.10, Streetscape Standards.
 - d. Reduce, alter, or eliminate any standards in Section 13.7, Buffer Requirements.
 - e. Reduce, alter, or eliminate any standards in Section 13.8, Landscape Requirements.
 - f. Reduce, alter, or eliminate any standards in Chapter 5, Parking.

C. **Authority to File.** Applications for waivers may be filed by the owner of the subject property or the property owner's authorized agent.

D. **Pre-Application Meeting.** A pre-application meeting with the Community Development Department is required for all waiver requests.

E. Tier 1 and Tier 2 Notice.

1. Tier 1 Waivers

- a. Posted notice (signs) shall be posted for a minimum of ten (10) days before a decision is rendered and in a conspicuous place on the subject

property to notify the public and adjacent property owners of a request for a Tier 1 waiver.

- b. Each notice shall provide the following information:
 - i. Purpose of request.
 - ii. Location of property.
- c. Members of the public wishing to support or oppose a request for Tier 1 waiver shall file their comments in writing with Community Development Department. The deadline for acceptance of comments is ten (10) days after notice was posted.

2. **Tier 2 Waivers.** Tier 2 waivers require a public hearing.

- a. The Director shall advertise for the public hearing at the Mayor and City Council in accordance with Section 10.3, Public Notice Requirements.

F. **Decision-Making Process.**

1. **Tier 1 Waivers**

- a. Upon receipt of a complete Tier 1 waiver application, the Community Development Department shall review the proposal and prepare an analysis.
- b. At least 30 days from the submittal of a complete application, the Community Development Director shall act to approve the Tier 1 waiver, approve the Tier 1 waiver with conditions, or deny the Tier 1 waiver based on the applicable review and approval criteria in accordance with this Section. The Community Development Director is also authorized to allow the applicant to withdraw the Tier 1 waiver without prejudice.

2. **Tier 2 Waivers**

- a. **Staff Review.** Upon receipt of a complete Tier 2 waiver application, the Community Development Department shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission.
- b. **Planning Commission Recommendation.** The Planning Commission shall hold a public meeting on the Tier 2 waiver application. The Planning Commission shall act to recommend that the Tier 2 waiver be approved, approved with conditions, or denied based on the applicable review and approval criteria of this Section. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, may recommend withdrawal of the application without prejudice.
- c. **Mayor and Council Decision.** Upon receipt of a recommendation from the Planning Commission, the Mayor and City Council shall review the Tier 2 waiver application. The Mayor and City Council shall act to approve

the Tier 2 waiver, approve the Tier 2 waiver with conditions, or deny the Tier 2 waiver based on the applicable review and approval criteria of this section. The Mayor and City Council is also authorized to withdraw the Tier 2 waiver without prejudice.

- G. **Review and Approval Criteria.** The Director may authorize Tier 1 waivers, and the Council may authorize Tier 2 waivers from the provisions of this zoning ordinance based on consideration of the following criteria:
1. Features such as topography, high frequency transmission lines, existing trees of specimen or significant quality, underlying rock, or other condition outside the owner's control to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Code;
 2. Alternative streetscape or building/facade design configurations are provided; and
 3. Proposal will not result in any detriment to the public good, including, without limitation, detriment to the interest of the public, and will not result in any harm to the health, safety, or welfare of the City or the general public.
- H. **Successive Applications.** If a waiver application is denied, an application to waive the same zoning ordinance provision for the same portion of the subject property may not be resubmitted for one (1) year from the date of the denial.
- I. **Appeals.** See Section 11.3, Appeals of Administrative Decisions for Tier 1 waivers and Section 11.4, Appeals of Final Action by the Mayor and City Council for Tier 2 waivers.
- J. **Amending Conditions.** A request for changes in conditions of approval attached to an approved waiver shall be processed as a new waiver application in accordance with the procedures of this division, including the requirements for fees, notices, and hearings.

CHAPTER 11: VARIANCES AND APPEALS

11.1 Variances

- 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 requirements set forth in this chapter.

11.1.1 Limitations on Power to Grant Variances

- A. Variances shall be limited to dimensional relief and no variance shall be granted that would result in any of the following situations to:
 - 1. Allow a structure, building, or use not permitted by this Code or not permitted in the zoning district in which a given property is located.
 - 2. Allow an increase in maximum building height.
 - 3. Waive, vary, modify, or otherwise override a condition of approval attached to a quasi-judicial or legislative land use decision.
 - 4. Reduce, waive, or modify in any manner the minimum lot area or lot width required for the zoning district in which a given property is located.
 - 5. Allow the reestablishment, expansion, or enlargement of any nonconforming use that has been abandoned or otherwise no longer has lawful nonconforming status.

11.1.2 Criteria for Variances

- A. The Community Development Director, Planning Commission, and Mayor and City Council shall consider and find in the affirmative that all the following criteria are met in determining whether a variance shall be approved:
 - 1. Extraordinary and exceptional circumstances which are peculiar to the property due to its size, shape, or topography that are not common to other properties in the same zoning district;
 - 2. 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, resulting in unnecessary and undue hardship on the applicant;
 - 3. 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;
 - 4. The variance will be consistent with the intent of this unified development code and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare;
 - 5. The extraordinary circumstances are not the result of actions of the applicant; and
 - 6. The variance, if granted, is the minimum relief necessary to make possible the reasonable use of land, buildings or structures.

11.1.3 Requirements for Authorizing a Variance

- A. A variance shall be initiated by an application from a property owner or on behalf of a property owner. An application for a variance must be completed and submitted on

standardized forms approved by the City. All applications shall be filed and completed as specified on the application form.

- B. All fees associated with an application for a variance must be paid in full prior to processing.
- C. Applications will be submitted to the Community Development Department and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Chapter and noted in the application materials.
- D. Once an application has been deemed to be complete, the Community Development Director shall transmit the application and notify the applicant that the application is complete. The application shall then be placed on the next available agenda of the Planning Commission, and the Community Development Director shall oversee preparation of a staff report for the requested variance. The Community Development Director shall also publicly advertise all public hearings to be held for the requested variance in accordance with this UDC and State regulations.
- E. Incomplete applications shall not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

11.1.4 Planning Commission Recommendation

- A. The Planning Commission shall hold a public hearing for an application for a variance. Following the public hearing, the Planning Commission shall issue an advisory recommendation for the requested variance.
 - 1. The recommendation shall be to approve, approve with conditions, deny, or table the subject request. This recommendation shall be forwarded to the Mayor and City Council prior to their public hearing on the subject request.
 - 2. If the Planning Commission does not issue a recommendation within 45 calendar days following the public hearing for a given variance request, the Commission shall be considered to have recommended approval of the application.

11.1.5 Mayor and City Council Decision

- A. Following the issuance of a recommendation by the Planning Commission, the Mayor and City shall hold a public hearing for an application for a variance.
- B. Following their public hearing on the matter, the Mayor and City Council shall cast a decision on an application for a variance. The final decision is not required to align with the recommendation of the Planning Commission.
 - 1. The final decision, as issued by the Mayor and City Council, shall be to approve, approve with conditions, or deny the subject request.

2. The Mayor and City Council may table the variance application to a future public meeting if there are evolving or uncertain factors that hinder their ability to cast a definite decision at the time.

11.2 Administrative Variances

- A. The purpose of an administrative variance is to provide the applicant with the minimum amount of relief necessary to avoid unnecessary hardship.
- B. 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 adopted by the Mayor and City Council. The authority to grant a variance shall be limited to the instances provided herein.
 1. A reduction of the minimum front, side, or rear yard building setback for a lot of record, provided the following standards are satisfied:
 - a. The building setback reduction is necessary due to geologic conditions, unusual topography, or Tree Protection challenges peculiar to the subject property pursuant to Chapter 13, Buffers, Landscaping, and Tree Protection of this UDC.
 - b. The building setback reduction is limited to a maximum deviation of ten percent (10%) from the minimum code requirement.
 2. A reduction or increase of the minimum parking requirements for a particular land use, provided the following standards are satisfied:
 - a. The subject property would not contain fewer than ten (10) parking spaces, including at least one (1) ADA accessible space, as a result of the administrative variance.
 - b. The reduction of minimum parking spaces required is limited to a maximum deviation of ten percent (10%) of the code requirement.
 - c. An increase in the maximum required parking space quantity by greater than ten percent (10%) of the Code requirement if the subject site is undeveloped or contains fewer than ten (10) parking spaces at the time of the request.
 - d. An increase in the maximum required parking space quantity by greater than 20% of the Code requirement if the subject site is developed and contains ten (10) or more parking spaces at the time of the request.
 3. A waiver from Chapter 5, Parking 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:

- a. 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.
 - b. Materials used for unpaved parking shall be approved by the City of Stockbridge Public Works Department prior to installation. Gravel shall not be an acceptable material for impervious parking areas.
 - c. Unpaved parking areas shall be enclosed by a fence that restricts public access. All gates and locks shall be approved by the City of Stockbridge Fire Department prior to installation.
 - d. 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.
 - e. A paved driveway leading to the unpaved parking area that is a minimum of 24 feet in length shall be provided.
 - f. 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.
4. No administrative variance shall be issued that outright eliminates a requirement development standard.

11.3 Appeals of Administrative Decisions

- 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 of the Community Development Department, based on the interpretation or enforcement of the unified development code.
- B. Only persons or entities that are aggrieved by an action shall be permitted to file an appeal under this Code section.
- C. A notice of appeal under this Section shall be applied for pursuant to the following:
 - 1. A notice of appeal shall be filed within 30 calendar days following the decision or determination that is the subject of the appeal.
 - 2. An appeal shall be made by filing a written notice with the Director of Community Development, specifying the grounds of the appeal and the alleged errors in the decision or interpretation made by the Community Development Department.

3. When applicable, the appellant shall cite the specific section(s) of the unified development code pertinent to the administrative appeal request.
 4. A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the Director.
- D. The Director shall cause for the appropriate departments to be notified that an appeal application and the requisite fees have been filed and shall forward those documents to the appropriate department head and/or his or her designee for handling.
1. The Mayor and City Council shall hold a public hearing for an application for administrative appeals no later than 30 calendar days following the filing date of a notice of appeal. The Director shall publicly advertise all public hearings to be held for the requested appeal in accordance with this Code and State regulations.
 2. The Director shall oversee the preparation of a staff report for the requested administrative appeal.
- E. The Mayor and City Council shall render a decision on an application for administrative appeal following a public hearing on the request and the consideration of all testimony, documentary evidence, and matters of record.
1. The decision shall be either to affirm or reverse, wholly or in part, the administrative decision that is the subject of the appeal request. At the time of motioning during a public meeting, the decision shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
 2. The reversal of an administrative decision, in whole or in part, 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.
 3. If a motion to reverse or modify is not made within 30 calendar days following the public hearing for an administrative appeal, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- F. The filing of a complete notice of administrative appeal stays all proceedings in furtherance of the action appealed. Proceedings shall not be stayed if it is determined by the Director that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this Code or other regulations.
1. An appeal shall stay only those proceedings that involve the subject of the appeal.
- G. The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

11.4 Appeals of a Final Action by the Mayor and City Council

- A. All appeals of final decisions of the Mayor and City Council shall be as follows:
 - 1. An appeal of the final decision of the Mayor and City Council under this Chapter may be taken by the applicable processes as stated in O.C.G.A. § 36-66-5.1.
 - 2. If an appeal is being made by way of petition for review to the superior court where the property lies, in accordance with both O.C.G.A. § 36-66-1 et seq., and as provided for in Chapter 4, Title 5 of the Official Code of Georgia Annotated, any petition may be served through the City Manager or Mayor on behalf of the lower judiciary body being appealed, or on behalf of the city.

CHAPTER 12: VIOLATIONS, PENALTIES, AND ENFORCEMENT

12.1 Authority

The City of Stockbridge and the Community Development Department (and their designee) shall be 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.

12.2 Inspections

Inspections and enforcement authority outlined herein shall apply to the Community Development Director.

12.2.1 Right of Entry

- A. Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Community Development Director shall be permitted to enter during all reasonable hours, or outside reasonable hours, in the event of any emergency threatening life or property, any public or private property for the purpose of:
 - 1. Making inspections to determine compliance with the provisions of this UDC during the open period of any land development, building permit, or other open quasi-judicial or zoning decision.
 - 2. Making inspections to determine compliance with the provisions of this UDC. Where consent is not given to entry, such City employees may seek a warrant to secure entry to the premises
- B. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall

make the necessary arrangements to allow access to the Community Development Director.

- C. The owner or operator shall allow the Community Development Director ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, and videotaping for ensuring compliance with the provisions of this UDC. The owner or operator shall allow the Community Development Director to examine and copy any records that are required under the conditions of any permit granted under this UDC.
- D. Any temporary or permanent obstruction to safe and easy access to the premises, property, or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Community Development Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- E. Unreasonable delays in allowing the Community Development Director access to a facility, property, or premises shall constitute a violation of this UDC.
- F. If the Community Development Director has been refused access to any part of a premises, property, or facility and the Community Development Director is able to demonstrate probable cause to believe that there may be a violation of this UDC, 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 UDC or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the City, then the Community Development Director may seek issuance of an inspection warrant from the magistrate court.
- G. The Community Development Director may determine inspection schedules necessary to enforce the provisions of this UDC.

12.2.2 Inspection Warrants

- A. The Community Development Director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this UDC or observation, measurement, sampling, or testing with respect to the provisions of this UDC.
- B. Inspection warrants may be issued by the magistrate court when the issuing judge is satisfied that the department has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- C. An inspection warrant shall be issued only if it meets the following requirements:

1. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal;
4. The warrant refers, in general terms, to the code provisions sought to be enforced; and
5. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;

12.3 Enforcement

- A. Inspections and enforcement authority outlined herein applies to the Community Development Director.
- B. It is the duty of the Community Development Director to enforce the provisions of this Section.
- C. In addition, it is the duty of all officers and employees of the City, especially members of the Code Enforcement and Police Department, to assist the Community Development Director by reporting any seeming violations, including violations in new construction, redevelopment, or land use.
- D. **Failure to Obtain a Permit.** If any person commences any activity requiring a permit as prescribed in this UDC 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.

12.3.1 Responsibility

- A. Neither the issuance of a 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.

- B. **Enforcement.** If the Director determines that any violation of this UDC is taking place, or that a condition of zoning, variance, or other permit or administrative approvals are not complied with, the Director shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- C. **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).
- D. **Responsibility of Historic Properties or Buildings.** The owner of any historic property or buildings within historic districts shall be responsible for any maintenance or repair to deterioration by neglect. Such conditions shall include but not be limited to broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a building's structural system. In the event the owner fails to provide ordinary maintenance or repair, it will be considered a violation in accordance with this Chapter.

12.3.2 Procedure for Violations

There shall be a three-step procedure for violations of this UDC. 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 30 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 this Section.
- 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.

12.3.3 Notice of Violation

- A. The written notice of violation shall at least contain the following information:
 - 1. The name and address of the owner or responsible person;
 - 2. The address or other description of the site upon which the violation is occurring;
 - 3. A description of the nature of the violation;
 - 4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this UDC;
 - 5. The deadline or completion date of any such remedial actions or measures, to consist of not less than 30 days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient;
 - 6. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the notice of violation is directed; and
 - 7. The name and contact information of the enforcement officer who drafted the Notice of Violation.
- B. If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this Article, provided that the Community Development Director may, at their discretion, extend the time for compliance with any such notice.
- C. The Community Development Director also shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Community Development Director and shall, under no circumstances, be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in subsection (a) of Section 12.3.3, Notice of Violation. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Community Development Director, said Director may proceed with a notice of violation or other authorized enforcement action.
- D. The Community Development Director also shall have the authority to extend the originally issued deadline for compliance by up to six (6) months, if it is established to the Community Development Director's satisfaction that the responsible party is:
 - 1. Acting in good faith to comply with the notice by taking incremental action to remedy the situation; and
 - 2. Is unusable to comply with the original deadline presented due to financial, medical, or legal hardship, or another extenuating circumstance.

12.3.4 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 public right-of-way, easement, or sight visibility triangle in violation of this UDC.
 - 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, City Fire Department, and/or other City 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 UDC 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.
- C. 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 twenty-five dollar (\$25.00) 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 UDC.

- D. 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.

12.4 Stop Work Orders and Revocations

The Community Development 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.

12.4 Other Enforcement

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, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Community Development Director shall first notify the applicant or other responsible person in writing of its intended action as provided in Section 12.3.3, Notice of Violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Community Development Director may take any one or more of the following actions or impose any one or more of the penalties provided in Section 12.6, Penalties for violations:

- A. **Withhold Certificate of Completion/Occupancy.** The Community Development Director may refuse to issue a certificate of completion/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.
- B. **Suspension, Revocation, or Modification of Permit.** The Community Development Director may suspend, revoke or modify the permit authorizing the 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 Community Development Director may deem

necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- C. **Bond Forfeiture.** The Community Development Director may forfeit a bond, if required to post one. The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site and bring it into compliance.

12.6 Penalties for Violations

The Community Development Director 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. **Civil penalties.** Where authorized by statute, 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 by the specified deadline or completion date, the City may impose a penalty not to exceed \$1,000 (for each day the violation is not remedied after the specified deadline or completion date).
- B. **Criminal penalties.** The Police Department or Community Development Director may issue a citation to the applicant or other responsible person, requiring such person to appear in the magistrate court of the City to answer charges for such violation. Upon conviction, a fine not to exceed \$1,000, except where authorized by law, or imprisonment for 60 days, or both shall punish such person. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. Nothing in this UDC shall require issuance of notice of violation or stop work order prior to the issuance of a citation.

12.7 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 thirty (30) 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.

12.8 Enforcement, Remedies, or Injunctive Relief

The Community Development Director (and their designees) may bring an action in the City municipal court to invoke any legal, equitable, or special remedy, for the enforcement of any code or regulation, and its subsequent amendments.

CHAPTER 13: BUFFERS, LANDSCAPING, AND TREE PROTECTION

13.1 General

- A. **Findings.** Whereas, The City of Stockbridge finds that trees and associated vegetation provide substantial public benefits and that their preservation and management are essential to protecting the public health, safety, welfare, environmental quality, and economic vitality of the community. Trees contribute to Stockbridge in the following ways:
1. **Public Health and Air Quality.** Trees produce oxygen essential to human and animal life and improve air quality by absorbing carbon dioxide and intercepting dust, particulate matter, and airborne pollutants. Additionally, trees sequester carbon and contribute to long-term ecological balance, resource stewardship, and community sustainability.
 2. **Stormwater Management and Water Quality Protection.** Trees and their root systems reduce soil erosion, increase stormwater infiltration, decrease runoff and sedimentation, improve water quality, and enhance the natural functions of streams, floodplains, and related buffers, supporting infrastructure sustainability.
 3. **Wildlife Habitat and Biodiversity.** Trees and understory vegetation provide food, shelter, and movement corridors for wildlife, supporting biodiversity and overall ecosystem health.
 4. **Preservation of Mature Tree Canopy.** Existing mature trees provide the greatest ecological benefits, including shading, habitat value, stormwater absorption, and carbon storage, and therefore warrant priority for preservation during development activities.
 5. **Scenic Quality and Community Character.** Trees soften the visual impact of development, streets, and infrastructure, enhance scenic beauty, and contribute to the unique identity and natural character of the City of Stockbridge.
 6. **Noise, Glare, and Land Use Compatibility.** Trees and landscaping provide effective screening and buffering between dissimilar land uses, reducing noise, glare, wind, and visual impacts, and promoting a healthy, livable environment.

7. **Protection of Public and Private Infrastructure.** Proper planning, placement, and maintenance of trees minimize conflicts with buildings, utilities, streets, and other infrastructure while maximizing long-term environmental and economic benefits.
8. **Temperature Moderation.** Tree canopy provides shade and cooling that reduces urban heat, moderates air temperatures, and supports long-term public health by mitigating the impacts of extreme heat and climate variability
9. **Economic Value and Property Enhancement.** Well-preserved and thoughtfully planted trees enhance property values, support economic activity, and improve the visual character and marketability of real property.

B. Purpose

1. 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. 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.
2. These standards establish requirements for tree preservation and protection during land development and construction, prevent unnecessary loss of mature trees through clear-cutting and mass grading, ensure appropriate replanting when tree removal occurs, and protect trees during public and private construction activities to support the quality of life in the City.

13.2 Applicability

- A. The terms and provisions of this Chapter shall apply to:
1. All real property in the City of Stockbridge city limits except as otherwise provided in this Chapter.
 2. 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 Chapter.
 3. Development on any City-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this Chapter.
- B. No tree or protected landscape feature shall be removed, damaged, or otherwise impacted except in full compliance with the requirements set forth herein.

13.3 Exemptions

- A. The following shall be exempt from the provisions of this chapter:
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 (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 Henry County extension service, the State forestry commission, a certified arborist, or urban forester.
 5. The removal of structurally declining trees as determined by the Henry County extension service, the State forestry commission, an certified arborist, or urban forester.
 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 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 Grandfathered Provisions

This Chapter 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 the director's designee prior the adoption of the ordinance from which this chapter is derived, provided that all time constraints relating to the permit issued shall be observed.

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 Director's designee this Chapter as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of this Chapter 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 must be a to-scale map or site plan prepared and sealed by a registered surveyor, certified engineer, arborist or landscape architect, and shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. The survey shall identify:
 - a. All specimen trees and all trees that are to be preserved and counted toward meeting density requirements and inventoried by size (caliper or DBH, whichever is applicable) and species. Trees larger than two (2) inches (DBH) may be identified and counted for unit credit on;
 - b. All specimen tree critical root zones;
 - c. Trees which are proposed to be removed;
 - d. All tree protection zones and tree save areas;
 - e. All buffer with existing trees; and
 - f. Sampling methods may be used to determine tree densities for forested areas, as approved by the Director.
3. **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:

- a. Limits of land disturbance, clearing, grading, and trenching;
 - b. Tree save areas;
 - c. Specimen trees;
 - d. Areas of revegetation;
 - e. Location, species, and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site;
 - f. Tree fences;
 - g. Erosion control fences;
 - h. Tree protection signs;
 - i. Tree wells;
 - j. Aeration systems;
 - k. Transplanting specifications;
 - l. Staking specifications;
 - m. Utility lines existing and proposed. 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;
 - n. Procedures and schedules for the implementation, installation, and maintenance of tree protection measures;
 - o. Calculations of tree density proposed on site; and
 - p. Other applicable drawings as determined by the Director.
- B. No development or building permit shall be issued until the tree protection plan has been approved by the Director.
- C. 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
- D. **Tree Protection Inspection.** Following the receipt of a complete application, the Director 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.
- 1. Following the inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, this Chapter, 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.
 - 2. **Final Inspection.** No Certificate of Occupancy shall be issued by the Director with respect to any permit subject to this section unless and until the Director 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.

E. **Tree Protection Methods.** Methods for tree protection must be shown on the tree protection plan. Acceptable methods of tree protection are as follows:

1. Trees identified to be preserved must have a valid, recognizable method of tree protection (tree save) marking or delineation installed at the critical root zones.
2. No person engaged in the construction of any structure or improvement may encroach on a designated tree-save or critical root zone area with heavy machinery, temporary construction related structures such as trailers or portable toilets, or the storage of heavy building materials.
3. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. This includes, but is not limited to, chain link, orange laminated plastic, wooden post and rail fencing, or other appropriate methods that can identify the noninvasive drip line area.
4. The barrier must be placed beyond the critical root zone and prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking of vehicles or equipment within the tree save area
5. All tree protection measures shall be installed prior to land disturbance.

13.6 Tree Protection

13.6.1 Tree Removal

A. **Removal of Specimen Trees.** The removal of specimen trees from a site may only be allowed in accordance with this Section.

1. Any tree in fair or better condition which equals or exceeds the following diameter sizes is considered a specimen tree:
 - a. Large hardwoods, i.e. oaks, hickories, tulip poplars, and similar species at least 30 inches DBH.
 - b. Large softwoods, i.e. pines, evergreens, and similar species at least 30 inches DBH.
 - c. Small trees, i.e. dogwoods, redbuds, sourwoods, and similar species at least ten (10) inches DBH.
 - d. A tree which may not meet the size requirements above but which is:
 - i. It is a rare or unusual species or of historical significance.
 - ii. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.
 - iii. It is a tree with exceptional aesthetic quality.

2. A tree in fair or better condition should meet the following minimum standards:
 - a. A life expectancy of greater than 15 years.
 - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than ten percent (10%) radial trunk dieback.
 - c. No major insect or pathological problem.
3. The Director 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

4. **Permit.**

- a. Removal of any specimen tree requires a permit. The permit must include the following information:
 - i. A written explanation as to why the tree cannot be retained on the site.
 - ii. Consideration as to whether features of the proposed development can be relocated or designed in a manner that would allow for the retention of the specimen tree and any economic impacts which may occur as a result of such relocations or designs.
- b. The application to remove a specimen tree may be issued upon finding one or more of the following conditions are met:
 - i. Evidence that alternative site and building designs have been considered by the applicant but would not result in retention of the specimen tree.
 - ii. Retention of the specimen tree would result in less economic use of the property.
 - iii. The site design results in the removal of the minimum number of specimen trees necessary to accommodate the development.
 - iv. The request to remove a specimen tree or trees is reasonable considering the remaining specimen trees on the site that will be retained.

B. **Removal of Nonspecimen Trees.** The removal of nonspecimen trees from a site may be allowed if:

1. The tree is located in an area where a structure or improvement will be placed.
2. The tree is diseased or structurally unsound.
3. The tree poses an imminent danger.

4. The tree interferes with existing utility service.
 5. The tree obstructs visibility at intersections.
- C. **Tree Removal Limitations.** 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.

13.6.2 Tree Density Requirements

- A. All sites must maintain a minimum tree density as indicated below. The density requirement must be met whether or not a site had trees prior to development or land disturbance.
1. **Residential Developments:** 15 units per acre.
 2. **Nonresidential and Multifamily Developments:** 30 units per acre.
- B. The term “tree density unit” is not synonymous with “tree.”
- C. Only trees planted on private property may be counted towards meeting the tree density requirements. Any trees planting within the public rights-of-way do not count towards and are excluded from the site acreage.
- D. **Tree Density Unit Definition and Value.**
1. One Tree Density Unit equals one inch in diameter at breast height of an existing tree preserved, or one caliper inch of a replacement tree planted (1:1 ratio). Adjustments to these values, including bonuses and deductions, shall be applied as by the discretion of the Director.
 2. Removal of an existing tree may create deductions. Where removal qualifies for a deduction, the associated deduction shall be applied against the site’s total TDU calculation.
 3. These requirements apply regardless of whether a site contained trees prior to development.
 4. Minimum tree density requirements may be met through:
 - a. Preservation of existing trees with no impact to their critical root zone.
 - b. Planting of new trees to supplement any deficit.
- E. **How to Calculate Tree Density Units.** Tree Density Units shall be calculated as follows:
1. **Base TDUs.** Calculate the base TDU value for all existing trees on the site (1 TDU equals 1 inch DBH) and for all replacement plantings (1 TDU equals 1 caliper inch).
 2. **Adjustments.** Apply authorized multipliers to preserved, planted, or removed trees.

3. **Total TDUs Provided.** Add all credits for all proposed preservation and replacement and subtract all deductions for all proposed removals. The result is the total TDUs provided on the site.
 4. **Required TDUs.** Multiply the minimum TDU requirement and compare the result to the total TDUs provided to determine compliance.
 5. **Encroachment and Damage.** Unauthorized encroachment, damage, or removal of trees shall be subject to the fines and enforcement measures.
- F. Table 13.5.2.F, Tree Density Units for Existing Deciduous Trees provides the conversion from diameter to density factor units for existing deciduous trees to remain on site.

Table 13.5.2.F – Tree Density for Existing Deciduous Trees	
Existing Tree DBH (inches)	Density Units
2	0.8
3	0.8
4	1.6
5	1.6
6	1.6
7	2.4
8	2.4
9	2.4
10	3.2
11	3.2
12	3.2
13	4.0
14	4.0
15	4.0
16	4.8
17	4.8
18	4.8
19	5.4

20	5.4
21	5.4
22	6.0
23	6.0
24	6.0
25	6.8
26	7.4
27	8.0
26	8.6
29	9.2
30	9.8
31	10.4
32	11.2
33	11.8
34	12.3
35	13.4
36	14.2
37	15.0
38	15.8
39	16.6
40	17.4
41	18.4
42	19.2
43	20.2
44	21.2
45	22.0
46	23.0

47	24.0
48	25.2
49	26.2
50	27.2

- G. Table 13.5.2.G, Tree Density Units for Evergreens and Conifers provides the conversion from diameter to density factor units for evergreens and conifers to remain on site.

Table 13.5.2.G – Tree Density Units for Evergreen and Conifers	
Existing Tree DBH (inches)	Density Units
2	0.6
3	0.6
4	1.4
5	1.4
6	1.4
7	2.2
8	2.2
9	2.2
10	3.1
11	3.1
12	3.1
13	3.9
14	3.9
15	3.9
16 and above	Same as deciduous trees found in <u>Table 13.6.F</u>

H. Required Front Yard Trees.

1. Properties zoned RR, NR and SR shall provide a minimum of two (2) overstory trees, each not less than two (2) inches caliper, within the required front yard.
2. Properties zoned CCR and MFR shall provide a minimum of one (1) overstory tree, not less than two (2) inches caliper, within the required front yard.

3. Required front yard trees may be existing preserved trees or newly planted replacement trees, provided they satisfy applicable size and species requirements.
4. **Existing Credit.** Existing preserved overstory trees located within the required front yard may satisfy front yard tree requirements where such trees meet minimum size and species standards.

13.6.3 Mitigation Measures

- A. **General.** It shall be the policy of the City to maximize the preservation and maintenance of existing trees and where necessary the planting of replacement trees. An approved Tree Protection and Replacement Plan must be included as a condition for issuance of a Land Disturbance Permit. The City shall have the authority to reject and/or approve appropriate measures (including a combination of measures) based on the requirements of this Chapter and the particular circumstances of each project. It shall also be the policy of the City to provide guidelines for new tree plantings in those instances where no trees currently exist.
- B. **Preservation and Protection of Existing Trees.**
 1. The required Site Density Factor shall first be met with existing trees when possible. When a choice is available as to which existing trees to save, specimen trees, even isolated individual trees, shall be given preference over other trees.
 2. If significant trees exist on a tract of land for which a permit subject to this section is sought, either one 120 inches (DBH) per acre or 25% 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, LI, or HI may be located in stream buffers, State buffer zones, transitional buffer zones, or designated floodplains.
 3. **Understory Vegetation.** Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director in order to allow the removal of undesirable groundcover or understory vegetation.
- C. **Planting of New Trees.**
 1. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
 2. If the required Site Density Factor cannot be accomplished with existing trees, replacement trees shall be planted as required by this Chapter.
 3. If the Director 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 120 inches (DBH) per acre or less of existing significant trees, the Director may permit the removal of one (1) or more significant trees. Trees removed pursuant

to this section must be replaced with trees totaling one (1) times the diameter inches of those inches removed.

4. There shall be at least two (2) two-inch (DBH) overstory trees in every front yard of properties zoned RR, NR, and SR.
5. There shall be at least one (1) two-inch (DBH) overstory tree in every front yard of properties zoned CCR and MFR.
6. 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.

D. Protection of Trees During Construction.

1. Trees identified to be preserved and counted as credit for meeting required unit density shall have four (4) foot tall orange tree protection fencing installed six (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, shall be treated according to accepted National Arborists Association standards.
 - a. If fatally damaged (50% of critical root zone disturbance or structural damage confirmed by an arborist, trees shall be replaced with four (4) inch caliper trees equal to the unit value of the tree removed.
 - b. However, any specimen tree negligently damaged as described above shall be replaced with four (4) inch caliper trees equal to one and one-half (1.5) times the equivalent inches (DBH) of the tree removed or damaged.
 - c. Replacement of failed replacement trees must occur within 30 days or the next planting season if failure occurs outside planting windows.

E. Damage or Disturbance to Trees.

1. **General Prohibition.** No person shall cause or permit the damage, destruction, or disturbance of any tree regulated except as authorized or exempted under this chapter at any time, including but not limited to:
 - a. Grading, trenching, or excavation within the critical root zone;

- b. Soil compaction, alteration of grade, or placement of impervious surfaces within a critical root zone;
 - c. Storage of materials, equipment, or debris within the critical root zone;
 - d. Damage caused by vehicles, machinery, or improper pruning;
 - e. Failure to maintain tree protection fencing or required measures during construction; or
 - f. Removal or death of a tree due to neglect of required protection or maintenance measures.
- 2. **Verification and Determination of Damage.** If encroachment or other activity results in the decline, irreversible damage, or death of a tree, as verified by a certified arborist, the tree shall be deemed removed and subject to the replacement provisions of this Chapter.
- 3. **Plan Revision and Replacement.** The approved Tree Survey and/or Replacement Plan shall be revised to reflect the loss, with replacement trees and/or additional tree density units (TDUs) required to fully compensate for the damage. The revised plan shall be approved by the Director prior to the continuation of site work.
- 4. **Continued Enforcement.** Revisions to the Tree Survey and/or Replacement Plan shall not preclude enforcement action. The developer, property owner, or responsible party shall remain liable for all penalties, restoration, and replanting obligations resulting from the violation.

F. Removal of Trees from Floodplain.

- 1. Trees shall not be cut or removed from the floodplain, except as follows:
 - a. 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 the Director prior to tree removal. This report shall identify the conditions of the tree(s) that necessitate removal.
 - b. As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
 - c. As part of an approved wetland mitigation plan.

G. Protection of Understory Vegetation

- 1. Tree save areas and tree protection areas shall preserve naturally occurring understory vegetation and groundcover to the maximum extent practicable.
- 2. Naturally occurring understory vegetation within tree preservation areas shall remain intact except where removal is approved by the Director for:
 - a. Removal of invasive species;

- b. Removal of hazardous or diseased vegetation;
 - c. Selective removal necessary to promote tree health or survivability; or
 - d. Approved restoration, utility, access, or maintenance activity.
3. Disturbance of understory vegetation within tree save areas shall be minimized to preserve soil stability, root protection, and ecological function.

13.6.4 Tree Replacement Standards

- A. Table 13.6.4, Tree Density Unit Values for Replacement Deciduous Trees provides the conversion from diameter to density factor units for deciduous replacement trees.

Table 13.6.4 – Tree Density Unit Values for Replacement Deciduous Trees	
Caliper of Replacement Tree (inches)	Density Units
2	0.4
3	0.5
4	0.7
5	0.8
6	1.0
7	1.1
8	1.2
9	1.3
10	1.5
11	1.6
12 inches or greater	2.0

- B. Seven (7) gallon container-grown pine trees are given replacement value of 0.05 density units. The Director may approve one (1) gallon or three (3) gallon pines. There will be no replacement value given for such trees.
- C. At least 50% of replacement trees must be overstory trees.
- D. No more than 25% of replacement trees may be of any single species
- E. No more than 25% of replacement trees may be evergreen species.
- F. Any trees eight (8) inches (DBH) and over which have been removed in violation of this Chapter shall be replaced by the violator with four (4) inch caliper replacement trees equal to the unit value of the trees removed.

- G. Any specimen tree removed from a parcel shall be replaced by one and one-half (1.5) times the equivalent inches (DBH) of replacement trees or existing trees using species with potentials for comparable size and quality at maturity.
- H. **Tree Relocation and Tree Credit.**
1. Tree relocation and credit for existing trees replacement units will be granted to trees relocated on site, subject to approval of the Director. 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.
 2. Trees used for credit on the tree replacement plan must be chosen from the Table 13.6.5, Recommended Tree List.
- I. Unless otherwise approved by the Director, 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 included in Table 13.6.5, Recommended Tree List.
- J. 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.
- K. 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.
- L. Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director.

13.6.5 Recommended Tree Species

- A. Table 13.6.5, Recommended Tree List represents the recommended trees to be utilized when the planting or replanting of trees is required by this UDC.

Table 13.6.5 – Recommended Tree List			
Overstory Tree Species			
Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer rubrum</i>	Red Maple	October Glory, Red Sunset	Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous
<i>Betula nigra</i>	Riverbirch	Duraheat	Deciduous
<i>Carya aquatica</i>	Water Hickory	Availability	Deciduous
<i>Carya cordiformis</i>	Bitternut Hickory	Availability	Deciduous
<i>Carya glabra</i>	Pignut Hickory	Availability	Deciduous

<i>Carya illinoensis</i>	Pecan		Deciduous
<i>Carya tomentosa</i>	Mockernut Hickory	Availability	Deciduous
<i>Celtis occidentalis</i>	Hackberry		Deciduous
<i>Diospyros virginiana</i>	American Persimmon		Deciduous
<i>Fagus grandifolia</i>	American Beech		Deciduous
<i>Fraxinus pennsylvanica</i>	Green Ash		Deciduous
<i>Fraxinus tomentosa</i>	Pumpkin Ash		Deciduous
<i>Gleditsia triacanthos</i>	Honeylocust (seedless)		Deciduous
<i>Ilex opaca</i>	American Holly		Evergreen
<i>Juglans nigra</i>	Black Walnut		Deciduous
<i>Juniperus virginiana</i>	Red Cedar	Brodie	Evergreen
<i>Liquidambar styraciflua</i>	Sweetgum	Limited Use— Rotundiloba (Avail.)	Deciduous
<i>Liriodendron tulipifera</i>	Tulip Poplar	Limited Use	Deciduous
<i>Magnolia acuminata</i>	Cucumbertree		Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Deciduous
<i>Nyssa sylvatica</i>	Black Gum		Deciduous
<i>Nyssa ogeeche</i>	Swamp Tupelo		Deciduous
<i>Pinus echinata</i>	Shortleaf Pine		Evergreen
<i>Pinus strobus</i>	Eastern White Pine		Evergreen
<i>Pinus taeda</i>	Loblolly Pine		Evergreen
<i>Platanus occidentalis</i>	Sycamore		Deciduous
<i>Populus deltoides</i>	Eastern Cottonwood		Deciduous
<i>Quercus alba</i>	White Oak		Deciduous

<i>Quercus coccinea</i>	Scarlet Oak		Deciduous
<i>Quercus falcata</i>	Southern Red Oak		Deciduous
<i>Quercus georgiana</i>	Georgia Oak		Deciduous
<i>Quercus hemisphaerica</i>	Laurel Oak		Evergreen
<i>Quercus lyrata</i>	Overcup Oak		Deciduous
<i>Quercus laurifolia</i>	Laurel Oak		Deciduous
<i>Quercus michauxii</i>	Swamp Chestnut Oak		Deciduous
<i>Quercus muehlenbergii</i>	Chinkapin Oak		Deciduous
<i>Quercus nigra</i>	Water Oak		Deciduous
<i>Quercus nuttalli</i>	Nuttall Oak		Deciduous
<i>Quercus palustris</i>	Pin Oak		Deciduous
<i>Quercus phellos</i>	Willow Oak		Deciduous
<i>Quercus prinus</i>	Chestnut Oak	Availability	Deciduous
<i>Quercus rubra</i>	Northern Red Oak		Deciduous
<i>Quercus shumardii</i>	Shumard Red Oak		Deciduous
<i>Quercus stellata</i>	Post Oak		Deciduous
<i>Quercus velutina</i>	Black Oak		Deciduous
<i>Salix spp.</i>	Willow		Deciduous
<i>Taxodium distichum</i>	Bald Cypress	Shawnee Brave	Deciduous
<i>Tilia americana</i>	American Basswood (Linden)		Deciduous
<i>Ulmus alata</i>	Winged Elm		Deciduous
Understory and Other Small Tree Species			
Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer barbatum</i>	Florida Maple		Deciduous
<i>Acer leucoderme</i>	Chalk Maple		Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous

<i>Aesculus pavia</i>	Red Buckeye		Deciduous
<i>Alnus serrulata</i>	Alder		Deciduous
<i>Amelanchier grandiflora</i> x	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
<i>Aralia spinosa</i>	Devils Walking Stick		Deciduous
<i>Asimina triloba</i>	Pawpaw		Deciduous
<i>Betula nigra</i>	River Birch	Little King	Deciduous
<i>Carpinus caroliniana</i>	American Hornbeam		Deciduous
<i>Castanea pumila</i>	Chinkapin		Deciduous
<i>Celtis tenuifolia</i>	Georgia Hackberry		Deciduous
<i>Celtis laevigata</i>	Sugarberry		Deciduous
<i>Cercis canadensis</i>	Eastern Redbud		Deciduous
<i>Cercis reniformis</i>	Redbud	Oklahoma	
<i>Chioanthus virginicus</i>	White Fringetree		Deciduous
<i>Cladrastis kentukea</i>	Yellowwood		Deciduous
<i>Cornus spp.</i>	Dogwood	Florida and Kousa crosses	Deciduous
<i>Cornus florida</i>	Flowering Dogwood	Aurora	Deciduous
<i>Corylus americana</i>	American Filbert Hazelnut		Deciduous
<i>Cotinus obovatus</i>	Smoketree		Deciduous
<i>Crataegus aestivalis</i>	Mayhaw		Deciduous
<i>Crataegus spp.</i>	Hawthorn	Thornless cultivars	Deciduous
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		Deciduous
<i>Diospyros virginiana</i>	Persimmon		Deciduous
<i>Halesia carolina</i>	Silverbell		Deciduous
<i>Halesia diptera</i>	Two Winged Silverbell		Deciduous

<i>Hamamelis virginiana</i>	Witch-hazel		Deciduous
<i>Ilex spp.</i>	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
<i>Ilex decidua</i>	Possumhaw		Deciduous
<i>Juniperus virginiana</i>	Red Cedar		
<i>Lagerstromia indica x faurieri</i>	Crape Myrtle	Tree form cultivars disease resistant and hardy, e.g., Choctaw, Natchez	Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen
<i>Magnolia x loebneri</i>	Loebner Magnolia	Merrill	Deciduous
<i>Magnolia macrophylla</i>	Bigleaf Magnolia		Deciduous
<i>Magnolia soulangiana</i>	Saucer Magnolia		Deciduous
<i>Magnolia stellata</i>	Star Magnolia	Star Man	
<i>Magnolia tripetala</i>	Umbrella Magnolia		Deciduous
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Evergreen
<i>Myrica cerifera</i>	Waxmyrtle		Evergreen
<i>Osmanthus americanus</i>	Devilwood		Evergreen
<i>Ostrya virginiana</i>	Eastern Hophombeam		Deciduous
<i>Oxydendrum arboreurn.</i>	Sourwood		Deciduous
<i>Pinus Virginiana</i>	Virginia Pine	Slopes, Screen	Evergreen
<i>Pistacia chinesis</i>	Chinese Pistache		Deciduous
<i>Prunus angustifolia</i>		Chickasaw Plum	Deciduous

<i>Rhamnus caroliniana</i>	Carolina Buckthorn		Deciduous
<i>Rhus glabra</i>	Staghorn Sumac		Deciduous
<i>Salix sericea</i>	Silky Willow		Deciduous
<i>Sassafras albidum</i>	Sassafras		Deciduous
<i>Styrax americana</i>	Snowbell		Deciduous
<i>Ulmus alata</i>	Winged Elm		Deciduous
<i>Vaccinium arboreum</i>	Sparkleberry		Evergreen
Trees for Under Powerlines			
Scientific Name	Common Name	Recommended	
<i>Aesculus pavia</i>	Red Buckeye		
<i>Alnus serrulata</i>	Alder		
<i>Cercis canadensis</i>	Redbud		
<i>Chionanthus virginicus</i>	White Fringetree		
<i>Cornus spp.</i>	Dogwood	Florida and Kousa crosses	
<i>Cornus florida</i>	Flowering Dogwood	Disease resistant varieties, Aurora	
<i>Corylus americana</i>	American Filbert Hazelnut		
<i>Cotinus obovatus</i>	Smoketree		
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		
<i>Ilex spp.</i>	Holly	Nellie R. Stevens, tree form Burford, Yaupon	
<i>Magnolia soulangiana</i>	Saucer Magnolia		
<i>Myrica cerifera</i>	Waxmyrtle		
<i>Oxydendrum arboreum</i>	Sourwood		
<i>Prunus angustifolia</i>	Chickasaw Plum		

13.6.6 Invasive Species

- A. **General.** For purposes of this section, an invasive species shall include any plant species identified as invasive or prohibited by one or more of the following authorities, as amended from time to time:
 - 1. The Georgia Exotic Pest Plant Council (GEPPC);
 - 2. The Georgia Forestry Commission; or
 - 3. Any additional authoritative source approved by the Director
- B. No person, property owner, developer, contractor, or agent shall plant, install, replant, or cause to be planted any tree, shrub, vine, groundcover, or other vegetation identified as an invasive species in connection with any development activity, landscaping installation, buffer planting, tree replacement, mitigation plan, or maintenance obligation required or regulated by this Chapter.
- C. **Administrative Invasive Plant Species.** The Director is hereby authorized to maintain and periodically update an administrative list of invasive plant species prohibited from planting within the City of Stockbridge. The administrative list shall be used for review and enforcement purposes and shall not require formal amendment of this Chapter.
- D. **Removal and Maintenance of Invasive Species.**
 - 1. **Invasive Species Removal.** Where invasive species are identified within required tree save areas, buffers, landscape areas, or mitigation plantings, the Director may require their removal and replacement with approved non-invasive species consistent with the intent of this Chapter.
 - 2. **Replacement Requirements.** Removal of invasive species shall not generate tree density credit or replacement credit unless otherwise approved by the Director. Replacement plantings shall comply with all applicable tree preservation, replacement, and landscape standards of this chapter.
- E. **Enforcement and Violations.**
 - 1. **Violation:** Planting or allowing the planting of prohibited invasive species in violation of this section shall constitute a violation of this chapter.
 - 2. **Corrective Action:** In addition to any penalties, the Director may require corrective action, including removal and replacement of prohibited plant species at the expense of the responsible party.

13.7 Buffer Requirements

13.7.1 Buffer Standards

- 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:
- B. As specified in Table 13.7.3.A, Buffer Widths the "Buffer Area Standards Table;"

-
- C. As specified in a residential zoning district for a permitted nonresidential use (e.g. a church, temple, synagogue, etc.); or
 - D. As required by a condition of zoning, special use, or variance approval.

13.7.2 Buffer Installation Requirements

- A. 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 replantings as may be required.
- B. Minimum required screening shall consist of an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six (6) feet high within two (2) growing seasons.
- C. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, trail easement, etc.), the screening requirements of this UDC shall be met outside of the easement area, to ensure a continuous buffer.
- D. **Location.**
 - 1. Buffers shall be measured from the property line.
 - 2. Buffers shall be located on the outer perimeter of a lot or parcel, parallel to the lot or parcel boundary line and must be provided along the entire site or lot immediately abutting the property line.
 - 3. 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.
 - 4. Breaks for pedestrian, bicycle, and vehicle access are allowed, as approved by the Director. Driveways or walkways must cross a buffer at as near a perpendicular angle as practical.
 - 5. The parking of vehicles and the placement of buildings or structures, except as provided below, is not allowed in a required buffer.

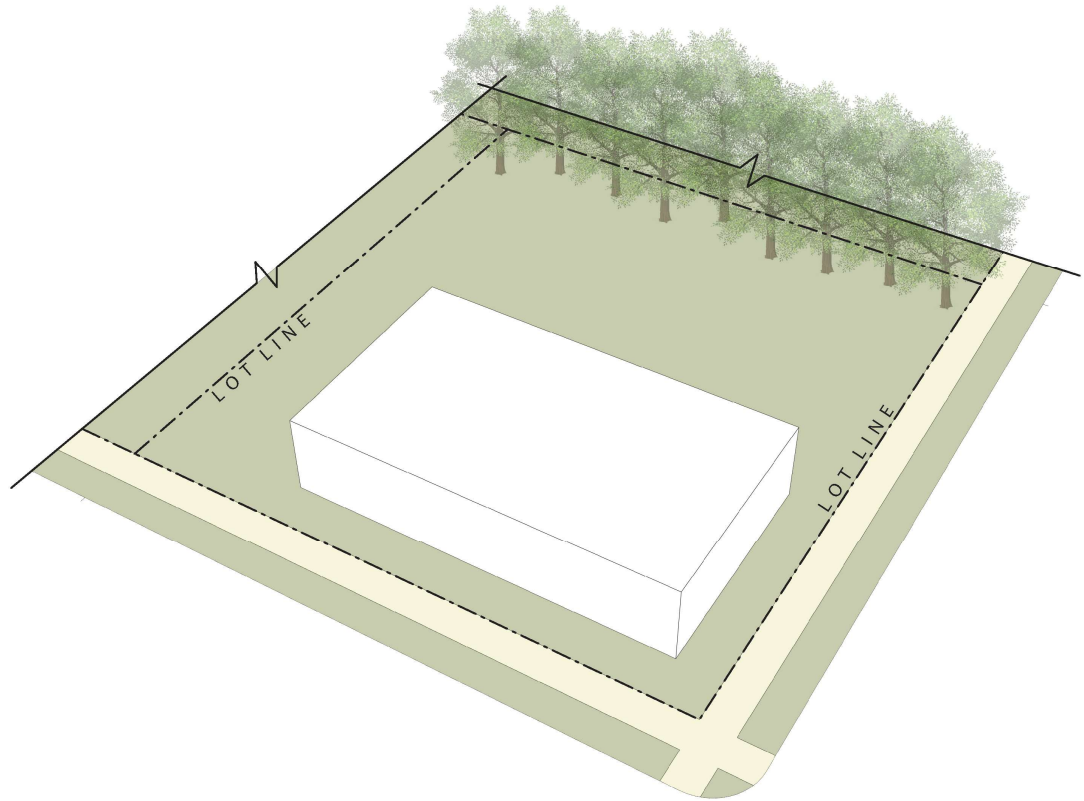


Figure 13.7.2.D - Buffer Location Standards

E. Plantings.

1. Buffer 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.
2. **Supplemental Plantings.** Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Section shall be planted with supplemental plantings so as to provide a year-round visual screen. Such screen shall include:
 - a. Two (2) canopy trees for each 50 feet of buffer length. Canopy trees shall be two-and-a-half (2.5) inch caliper;
 - b. Two (2) understory trees for each 50 feet of buffer length. Understory trees shall be two (2) inch caliper;
 - c. Fifteen (15) screening shrubs with a minimum install height of four (4) feet.
 - d. New deciduous trees shall have a caliper of no less than two (2) inches upon planting, and new evergreens shall be at least six (6) feet tall when planted.

F. Non-Vegetative Screening.

1. 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.
2. 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.
3. If walls or fences are to be utilized, their placement and installation shall be such to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
4. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

G. Maintenance. Buffers shall be maintained, in perpetuity, by the property owner.

13.7.3 Buffer Widths

A. Minimum Width. Buffer widths shall comply Table 13.7.3.A, Buffer Widths, required along the property lines, where applicable.

Table 13.7.3.A – Buffer Widths				
Proposed Development Type	Adjacent Zoning			
	RR, NR, SR	CCR, MFR, MHR	Nonresidential (C1, C2, OI, LI, and HI)	Mixed-Use (DT, MUS, MU, PUD)
Single-Family Attached (Townhomes, Two-Family) and Multi-Family	25 FT	0 FT	50 FT	0 FT
Business/Commercial, Public Institutional, or Mixed-Use	50 FT	50 FT	0 FT	0 FT
Industrial	100 FT	100 FT	0 FT	0 FT

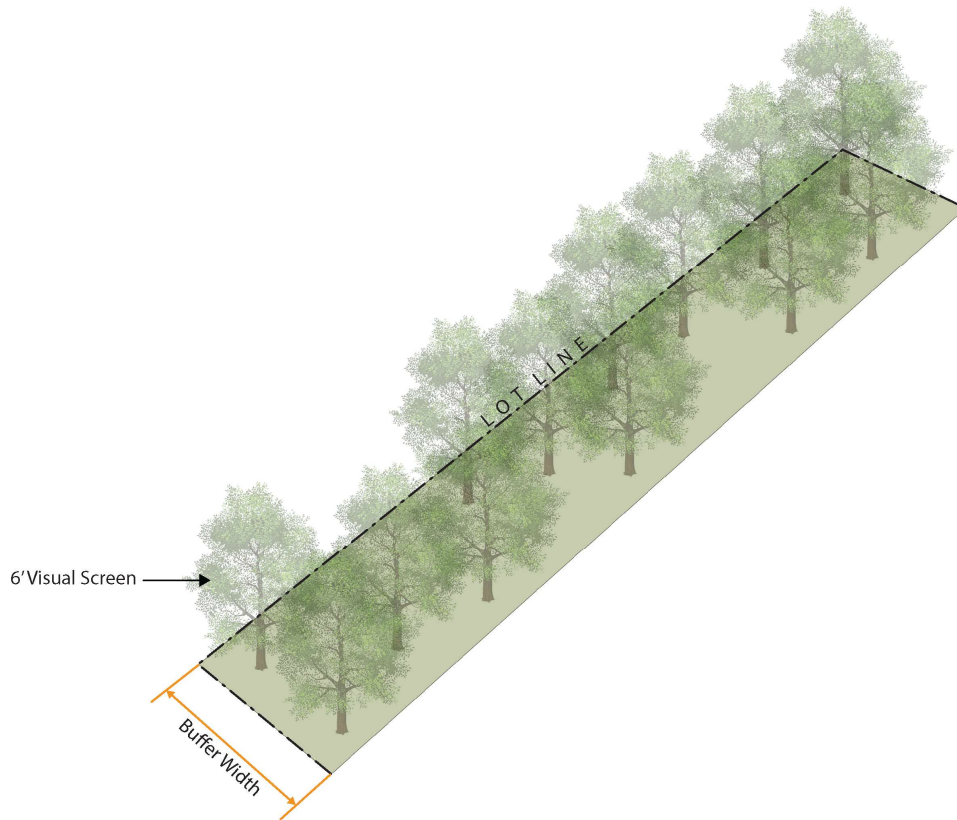


Figure 13.7.3 - Buffer Width Standards

13.7.4 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.
- D. Trail installation or connections required per Section 16.7, Trail Construction Standards are authorized to encroach within the buffer. All clearing associated with the construction of such path shall be contained within the required width of the path.

13.7.5 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. Limits of disturbance shall be located a minimum of ten (10) feet from the edge of the buffer.
- B. The method of demarcation and protection shall at a minimum be a continuous single row of four (4) foot tall orange vinyl (or other high visibility color) tree protection fence or shall be protected as required by the Community Development Department.

13.8 Landscape Requirements

13.8.1 Applicability

- A. **Compliance Required.** Compliance with this Section shall be required in the following development circumstances:
 - 1. Subdivision, construction, or reconstruction of all residential and nonresidential developments, except as exempted herein.
 - 2. Expansion or alteration of the gross floor area of an existing multi-family dwelling, mixed-use, or nonresidential building by 50 percent or more.
- B. **Compliance Exemptions.** Compliance with this Section shall not be required in the following circumstances:
 - 1. Individual lot, single-family development.
 - 2. Duplexes; and
 - 3. Accessory uses, structures, or temporary uses.

13.8.2 General Requirements

- A. Strategically locate deciduous trees and plants to provide shade and windbreaks to reduce building energy use.
- B. Coniferous plant material clusters should be sensitively located to create strong visual impact while not impeding views (both into the site and out to the surrounding landscape) or negatively impacting circulation of vehicles.
- C. Landscape design must consider climate, urban and natural context, and local character. The effects of solar access and shade on roads and sidewalks should be considered when locating landscape materials.
- D. Reduce water consumption by using xeric plants appropriate to the climate and location.
- E. Install plant material by hydro-zones based on water requirements.

13.8.3 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 no 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, to maintain visual

clearance for public safety, and to ensure that landscape and buffer areas serve the intended purpose.

- C. Provide efficient irrigation systems for all plant materials. Wherever possible, employ the use of flow sensors and weather sensing elements such as rain sensors to ensure that water is not wasted.

13.8.4 Street Trees

- A. Street trees shall be provided by the developer in non-residential zoning districts under the following conditions:

- 1. In Overlay Districts listed in Chapter 2, Zoning and Overlay Districts.
- 2. In zoning districts MUS, MU, and DT.
- 3. As a condition of zoning.

- B. **Regulations.** When street trees are required in non-residential and mixed-use zoning districts the following regulations shall apply:

- 1. Street trees shall be located along the property frontage, either inside or outside of the public right-of-way, in no case closer than 11 feet to the edge of pavement or back of curb. When the street trees are proposed inside the right-of-way, they shall be located outside of the clear zone per the current edition of the AASHTO Roadside Design Guide subject to Department of Transportation approval.
- 2. One tree per 50 linear feet of property frontage shall be provided.
- 3. Street trees shall be selected from Table 13.8.4.C, Street Trees and shall be two-and-a-half (2.5) inch caliper and six (6) feet in height at the time of planting.
- 4. Street trees shall be spaced as evenly as possible along the property frontage to create a unified and repetitive tree canopy at maturity with consideration given to lighting, underground utility placement, and utility easements.
- 5. No more than 25 (or 25% of the total number, whichever is greater) of the trees installed may be of any one (1) genus.
- 6. No more than 25% of the street trees used in a single development shall be of the small tree species in Table 13.8.4.C, Street Trees, unless limited by roadway classification or posted speed limit that affect tree placement.
- 7. No street tree or streetlight standard shall be placed within ten (10) feet of another tree, streetlight standard, utility pole or within five (5) feet of a fire hydrant.

- C. **Appropriate Tree Species.** Trees selected for planting or replanting shall be a native species per the Georgia Forestry Commission list of native Georgia trees, or selected from the approved tree list, Table 13.8.4.C Street Trees.

Table 13.8.4.C – Street Trees

Large Trees	Small Trees
Nuttall Oak	Crepe Myrtle
Shumard Oak	Saucer Magnolia (variety: Butterflies)
Willow Oak	Chinese Fringe Tree
Gingko (variety: President, Autumn Gold, male gender)	Golden Rain Tree
Princeton Elm	Texas Redbud (Cercis reniformis)
Chinese Elm (varieties: Allee, Athena, Drake, Bosque)	Kousa Dogwood
Bald Cypress (variety: Shawnee Brave)	Washington Hawthorn 'Princeton Sentry'
Zelkova (variety: Green Vase or Village Green)	Zelkova (variety: Wires)
Northern Red Oak	
Red Leaf Maple	

13.8.5 Landscape Strips

- A. **Applicability:** All surface parking areas (of any size) abutting a public street (not including an alley) must be screened using one of the following options.
- B. **Landscape Strip Requirements:** A minimum ten (10) foot wide landscape strip planted with a minimum of ten (10) shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be provided to screen paved areas and parking lots from the right-of-way.

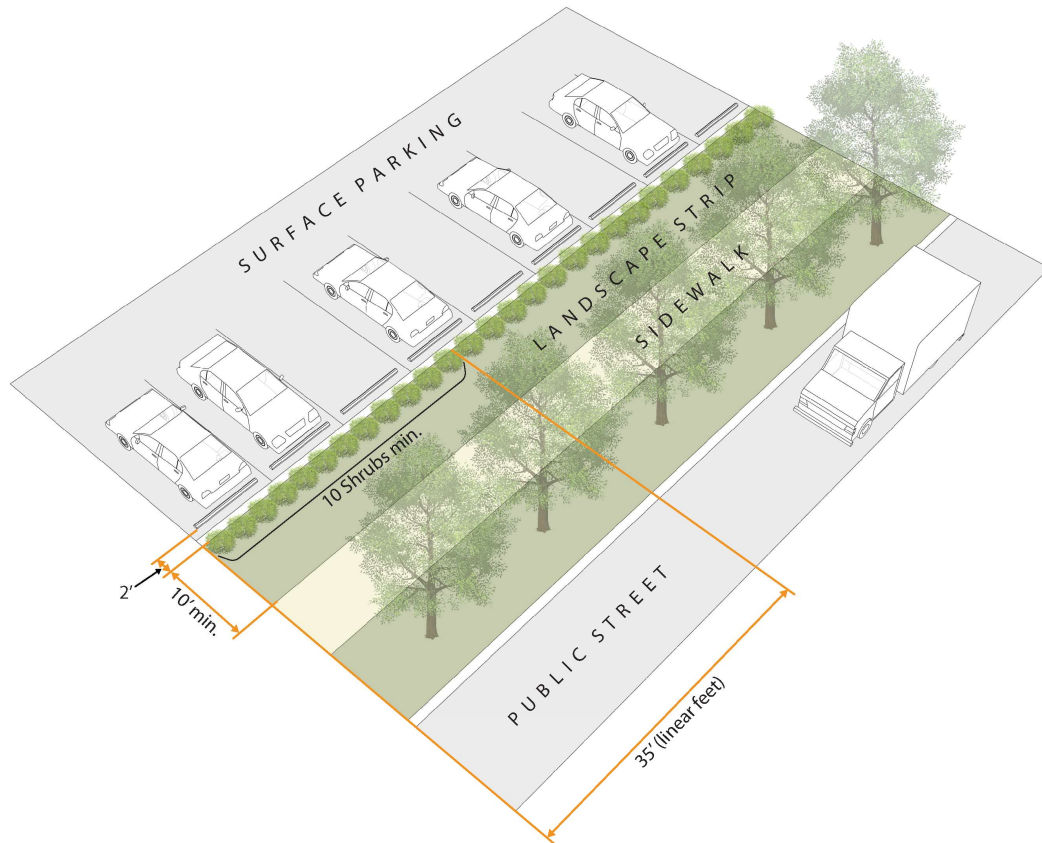


Figure 13.8.5 - Landscape Strip Requirements

- C. **Plant Material.** Shrubs shall be at least two (2) feet tall at the time of planting. They must be planted two (2) rows deep and provide a screen within three (3) years of planting.

13.8.6 Landscape Standards for Nonresidential Development

- A. **Applicability.** The provisions of this Section apply to all street frontage of nonresidential and mixed-use development sites.
- B. **Disturbance.**
 - 1. 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.
- C. **Landscaping Requirements.**
 - 1. 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.

2. A minimum of 12% of the total buildable area in any parcel shall be devoted to landscaping.
3. A minimum of 50% of the landscaping area
4. **Plantings and Other Required Elements.** Where existing vegetation is insufficient, the following trees and shrubs shall be provided as indicated in Table 13.8.6.C, Nonresidential Landscaping Requirements.

Table 13.8.6.C – Nonresidential Landscaping Requirements	
Location	Number of Plants
Front Yard	1 per 40 linear feet of yard length
Side Yard	1 per 25 linear feet of yard length
Rear	1 per 25 linear feet of yard length

13.8.7 Parking Lot Landscaping

- A. **Applicability.** Parking lot landscaping is required on all on-site surface parking lots with more than 20 spaces created after the effective date of this UDC. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
- B. **Perimeter Landscaping.** All surface parking areas (of any size) abutting a public street (not including an alley) must be screened by a landscape strip as specified in Section 13.8.5, Landscape Strips. Perimeter screening that is not next to a public street must be a minimum of 5 feet in width with a single hedgerow.
- C. **Interior Landscaping.**
 1. A landscaped interior island must be provided every 12 parking spaces.
 2. An interior island must be a minimum of ten (10) feet in width and 300 square feet in area. Each island must include two (2) shade trees.
 3. All required shade trees must be chosen from the approved tree list.
 4. All required shade trees must be a minimum caliper of two (2) inches and be at least six (6) feet tall at the time of planting.
 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.
- D. **Tree Canopy.**
 1. In addition to the internal landscaping requirements, a minimum tree canopy cover shall be provided for paved parking areas exceeding 4,000 square feet in new or redeveloped sites.

2. **Post-Construction Canopy.** Post-construction canopy shall be based on proposed canopy cover consisting of both preserved and newly planted trees. Polygon mapping shall be used to delineate canopy groupings. Canopy projections for new plantings shall be based on the species-specific canopy spread data provided in the Appendix.
3. **Minimum Required Canopy Cover.** At least 50% of paved parking lot area shall be shaded by tree canopy at maturity, as calculated under this section.
4. **Plan Requirements.** Landscape and site plans shall clearly identify all post-construction canopy areas and provide supporting calculations demonstrating compliance with the minimum canopy requirement.

13.9 Timber Harvesting

- A. Timber harvesting may be permitted upon authorization by the Director.
- B. **Permits.** Permits authorizing tree harvesting shall be in accordance with the following standards:
 1. A 75 foot 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.
 2. Notwithstanding the other provisions of this section, no property owner shall be required to preserve an undisturbed buffer that covers more than 25% of the total land area of the property, excluding area inside the 100-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 permit.
 3. The property shall be required to meet a tree density standard of 30 units per acre, not including the 75 foot buffer, upon completion of authorized land disturbing activities.
 4. The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.
 5. Land that has been designated silviculture may be developed after a period of 5 years from harvesting, provided that a development plan has been prepared and approved by the Director prior to any clearing, grading, or other land disturbance.

13.10 Sureties

- A. 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 in

accordance with Article 18, Guarantees and Sureties, warranting the new trees, shrubs or landscape material for a period of no less than two (2) years.

- B. **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 this UDC, 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 accordance with Article 18, Guarantees and Sureties shall be posted with the City.
- C. **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 Chapter 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 City.
 - 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 City.

13.11 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 (1) 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 City.

13.12 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 Chapter.
- B. The City 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 Chapter.
- D. Replacement trees and landscaping shall be in accordance with the applicable provisions of this Chapter.

CHAPTER 14: SUBDIVISIONS

14.1 Subdivision Plat Process Applicability

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 Community Development Department 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 Community Development Director.
- C. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

14.2 Plat Procedures

- A. **Applicability.** This chapter is applicable to all subdivisions of land involving any:
 - 1. Street dedication;
 - 2. Public infrastructure;
 - 3. Utility extensions;
 - 4. Platted open space or common areas that are not part of an individually owned lot; or
 - 5. All other subdivisions not exempt pursuant to Section 14.6, Exemptions from Preliminary Plat Procedures.
- B. **Effect of Approval.** The preliminary plat does not constitute nor provide assurance of approval of the final plat or building or development permits but is to be used as the

development design for the subdivision and for the acquisition of a development permit as provided in this Code.

- C. **Improvements prior to Final Plat.** No final plat shall be approved unless and until the subdivider has installed all improvements required by this Code, or appropriate sureties have been secured.

14.3 Review and Approval Authority

- A. The Community Development Department, the Public Works Department, the City Engineer, and the Fire Marshal shall have the authority to review and approve a subdivision plat required by this chapter, consistent with these provisions.
- B. Neither the Director, the City Engineer, nor the Fire Marshal shall have the authority to waive any requirement of this Code in the review of a subdivision plat.
- C. **Revisions.** 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 as outlined below.

14.4 Pre-Application Meeting

- A. Prior to the preparation of the subdivision plat, the subdivider shall prepare sketch plans and general subdivision proposals. The subdivider or their agent shall then engage in a pre-application meeting with the director regarding the suitability of the plans.
- B. The purpose of a pre-application meeting is to acquaint the subdivider with plans and policies that might be significant to their proposed development and furnish City staff with preliminary information regarding said development.
- C. Upon receiving favorable consideration, the subdivider may then proceed to prepare the preliminary plat for submission to the Community Development Department.

14.5 Preliminary Plat Requirements

- A. **Application.** Following successful pre-application meeting, the subdivider shall cause to be prepared a preliminary plat, together with other supplementary material as deemed necessary by the Director.
- B. **Preliminary Plat Contents.**
 - 1. The preliminary plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat be drawn at a scale no smaller than 100 hundred feet to an inch and shall show all existing conditions required below and all proposals, including the following:
 - a. Any conditions of approval formally set upon the property by the Mayor and City Council;
 - b. Proposed name of subdivision;

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- c. Name and address of owner of record, and the subdivider (if not the owner);
 - d. Name, address and telephone number of the professional who prepared the plat;
 - e. Date of survey, date of plat drawing, north point and graphic scale;
 - f. Location (land district and land lot), and acreage;
 - g. Quantity of proposed parcels and typical lot sizes;
 - h. A vicinity map depicting 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;
 - i. Exact boundary lines of the assemblage, giving lengths, bearings, and present zoning designation(s);
 - j. Adjoining property owner names, subdivision names, and zoning;
 - k. Unit divisions or phase of development, if any, proposed by the subdivider;
 - l. Contour lines based on sea level datum and drawn at intervals not greater than two (2) feet. The source of the topographic contours shown shall be specified;
 - m. 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;
 - n. The 100-year floodplain, if any, must be delineated;
 - o. All required stream buffers and setbacks on the property;
 - p. Cultural features existing 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 significant information;
 - q. 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;
 - r. A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal;
 - s. The approximate location of proposed stormwater management facilities, including any Green Infrastructure, hereafter indicated as

“GI”, or Low Impact Development, hereafter indicated as “LID”, techniques;

- t. 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;
- u. Location and size of all proposed drainage structures, including catch basins, curbs, gutters, grates and headwall;
- v. Location of all proposed sanitary and storm sewer lines or improvements and any easements required with sufficient dimensions to location same on the ground;
- w. Location and description of all proposed monuments and pins;
- x. A written statement on the preliminary plat describing the intent of the plat or proposed development of the property, in no less than one (1) complete sentence.

14.6 Exemptions from Preliminary Plat Procedures

- A. The types of activities listed here shall be considered subdivisions but may be exempt from the preliminary plat requirements of this chapter, except as noted. Each such exempt subdivision shall be drawn in accordance with final plat standards and shall be submitted with the appropriate fees.
 - 1. Small subdivisions;
 - 2. Re-combinations; and
 - 3. Minor revised final plats.
- B. **Small Subdivisions Exemption.** The preceding provisions of this chapter 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 that:
 - 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.
- C. **Re-combination Exemption.** The preceding provisions of this chapter may be waived and a shortened procedure may be initiated in the case of a combination or recombination of two (2) or more lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this Code.
- D. **Minor Revised Final Plat Exemption.** The preceding provisions of this chapter may be waived and a shortened procedure initiated in the case when it becomes necessary to

revise an original recorded final plat due to some error, required adjustment, or desired adjustment, that is minor in scope and scale of change. This may include the adjustment of lot lines for single-family attached units after as-builts have taken.

- E. A subdivider intending to use any of these exemption methods shall first consult with the director or their designee, supplying sufficient information to assure that the specified conditions will be met.

14.7 Final Plat Requirements

- A. **Application.** Following completion of land disturbance activities, 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:
- B. 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.
- C. **Final Plat Contents.**
 - 1. The final plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat shall be labeled "Final Plat," be drawn at a scale no smaller than 100 hundred feet to an inch, and shall contain the following information:
 - a. A written statement on the final plat describing the intent of the plat or proposed development of the property, in no less than one (1) complete sentence;
 - b. Name of subdivision;
 - c. Graphic scale, north arrow with reference of bearings to magnetic, true or grid north, and date of survey;
 - d. Location of tract (land lot and land district) and acreage;
 - e. All dimensions accurate to the nearest one-tenth of a foot and all angles accurate to the nearest minute;
 - f. 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 radius, length of arc, internal angles and tangent distance for the center line of curved streets;
 - g. Exact locations, right-of-way widths, and names of all streets and alleys within and immediately adjoining the plat along with street center lines;

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- h. Street intersection angles and street pavement widths; centerline profiles;
 - i. Minimum required building setback lines and any zoning buffers, with dimensions, or note indicating none required, as applicable;
 - j. Lots or sites numbered in numerical order and blocks lettered alphabetically with lots and sites numbered in numerical order;
 - k. Location, dimensions, and purpose of all depicted 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;
 - l. Location and size of all drainage structures, including catch basins, curbs, gutters, grates, and headwalls;
 - m. Extent of the 100-year floodplain and a floodplain chart showing the area within and outside the floodplain for each lot containing any portion of the 100-year floodplain. The origin of the floodplain data must be indicated;
 - n. All required stream buffers and setbacks on the property;
 - o. Location, material, and description of all monuments and pins, including street markers.
 - p. Notation that streams or wetlands lie or do not lie within 200 feet of the development, unit or phase. Delineate and label all applicable buffers per Chapter 15, Environmental Protection;
 - q. Certification that the applicant is the land owner and dedicates streets, rights-of-way and any sites for public use;
 - r. Certification by the appropriate authorities for roads, water, sewers, and health that the subdivider has complied with one (1) 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.
 - s. Protective covenants, if any, shall be shown on the plat. If covenants are separately recorded, a statement shall be provided on the final plat as follows: "This plat is subject to the covenants set forth in the

separate documents attached hereto dated _____, which hereby become a part of this plat, and which were recorded on _____;"

- t. A copy of the deeds for dedication of public areas to the appropriate public agency(s), if applicable;
- u. Zoning information including the current zoning district and all applicable zoning conditions, variances, and/or special use permits. The adopted ordinance, or final letter in the case of variances, shall be provided on the final plat;
- v. As-built construction drawings prepared by a professional engineer or surveyor, registered in the State of Georgia;
- w. Other data may be required by the 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.

D. **Review Process.** The application shall be approved by the Planning and Zoning Department, the Public Works Department, the City Engineer, the Fire Marshal, and the Planning Commission.

14.8 Final Plat Recording

It shall be the responsibility of the subdivider to send the approved final plat to the Clerk of the Superior Court of Henry County to be recorded.

14.9 Appeals

If a Preliminary or Final Plat is denied, the applicant may file an appeal with the County Board of Commissioners, within 30 days following a denial. Appeals shall be processed in accordance with Chapter 11, Variances and Appeals.

14.10 Expiration

- A. **Preliminary Plat Applications.** An application for a preliminary plat shall expire six (6) months after the issuance of the latest letter/comments of plat revisions. The application may not expire within six (6) months if the inactivity is a result of a pending review from an external agency outside the applicant's control.
- B. **Plats.** A plat remains valid for the duration of the project, subject to the following time restrictions:
 - 1. An approved preliminary plat shall expire two (2) years after the approval date unless the applicant has filed a complete application for a final plat.
 - 2. An approved Final Plat does not expire, provided it is recorded within six (6) months of approval.

14.11 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 plat. 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:
- B. A permanent conservation easement in favor of either:
 - 1. 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
 - 2. A governmental entity that will ensure perpetual management of the open space.
- C. A permanent restrictive covenant, recorded on the final plat in favor of the City of Stockbridge.
- D. An equivalent legal tool that provides permanent protection, if approved by the mayor and city council.
- E. 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.
- F. 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.

14.12 Requirements Regarding Stormwater Facilities

- A. The property upon which the stormwater facilities are located cannot be included in the description of any lot located in a residential subdivision.
- B. **Maintenance and Responsibility.**
 - 1. **Non-Residential Properties.**
 - a. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title of 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.

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- b. In addition to maintaining the stormwater management function of the facility, the property owner shall be responsible for the ongoing beautification and appearance of all stormwater detention ponds, retention ponds, and related facilities. Such maintenance shall include, at a minimum, routine mowing, removal of litter, debris, and dead vegetation, control of weeds and invasive plant species, maintenance or replacement of required landscaping, and upkeep of any decorative fencing, screening, irrigation systems, or other aesthetic improvements installed as part of the approved site plan. Stormwater facilities shall be maintained in a neat, safe, and attractive condition so as not to create a nuisance or detract from adjacent properties or public rights-of-way.

2. Residential Properties.

- a. Detention ponds that are located on residential properties may transfer 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.
3. 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.
 4. All final plats that are submitted to the City for review shall include an unencumbered nonexclusive easement from an existing public roadway to any stormwater detention structure or pond. The access easement shall be a minimum of 20 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.

14.13 Street Name and Sign Requirements

A. Street Names.

1. All proposed street names shall be approved by the Department 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 Department for review and shall be approved by City Council.

B. Street Signs.

1. The location of the street signs shall be determined during the review of the preliminary plat.

CHAPTER 15: ENVIRONMENTAL PROTECTION

15.1 Stream Buffer Protection

15.1.1 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 Section 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.

15.1.2 Applicability

This Section shall apply to all land development activity on property containing a Stream Buffer Protection Area. 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.

15.1.3 Grandfathered Provisions. This Section shall not apply to the following activities:

- A. 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 Section;
- B. 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;
- C. 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 Section;
- D. 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 Section.

15.1.4 Exemptions. The following specific activities are exempt from this Section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- A. Activities for the purpose of building one (1) of the following:
 - 1. A Stream crossing by a driveway, transportation route or utility line;
 - 2. Public water supply intake or public wastewater outfall structures;
 - 3. Intrusions necessary to provide access to a property;
 - 4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - 5. Unpaved foot trails and paths; or
 - 6. 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.
- B. 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.
- C. Land development activities within a right-of-way existing at the time the ordinance codified in this Section takes effect or approved under the terms of this Section.
- D. Within an easement of any utility existing at the time the ordinance codified in this Section takes effect or approved under the terms of this Section, 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.

- E. 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 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 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.
- F. 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.
- G. Any land development activity within a Stream Buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Chapter 11, Variances and Appeals, of this UDC.

15.1.5 Stream Buffer and Setback Requirements

- A. All land development activity subject to this article shall meet the following requirements:
 - 1. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. If defined banks are not identifiable, the protected buffer will be measured from other identifiable features such as the "point of wrested vegetation" or the "ordinary high water mark".
 - 2. An additional setback shall be maintained for 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.

15.1.6 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 Section, 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.

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- 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.

15.1.7 Minor Land Disturbing Activities. The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters. These minor land disturbing activities shall be exempt from the buffer requirements of this Article, as well:

- A. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms or open picnic shelters, provided that:
1. The floor or decking is built in a pervious manner to allow for the infiltration of stormwater;
 2. No more than 100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 3. No grading, cutting, filling or similar land-disturbing activities occurring as a part of the site preparation, construction or subsequent development;
 4. The structure is built on posts, concrete blocks or similar supports;
 5. Permanent protective vegetative cover remains, or protective measures (for example, mulch or gravel) are installed within the footprint of the elevated structure to prevent post-construction soil erosion;
 6. A natural canopy is left in sufficient quantity to keep shade on the streambed; and
 7. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.
- B. A pervious ground-level walkway approach to a dock or similar structure, provided that:
1. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the Americans with Disabilities Act (ADA);
 2. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;
 3. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development; and

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4. All ground preparation and walkway material placement is completed with the use of hand-held equipment.
- C. Restoration of buffer area after the removal of an existing structure, provided that the buffer area must be replanted with native vegetation.
 - D. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or County waters, such as sewer lines, water lines, dams or gas lines. Total disturbance must be less than 100 square feet.
 - E. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:
 1. The placement of the riprap does not result in soil disturbance outside the placement area; and
 2. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.

15.1.7 Land Disturbing Activities not Considered Minor. The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters. Such activities shall comply with the requirements of this Article:

- A. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;
 1. Paving with poured or prefab concrete or asphalt;
 2. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;
 3. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;
 4. Construction of a ground-level patio within the buffer;
 5. Construction of a swimming pool within the buffer;
 6. Construction of a decorative or structural retaining wall within the buffer;
 7. Construction of a new seawall with land-disturbing activities occurring within the buffer; and
 8. Backfilling any new seawall construction within the buffer.

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- B. **Prohibited Activity.** Any land development activity within a buffer established under this Section or any impervious cover within a setback established under this Section is prohibited unless a variance is granted pursuant to Chapter 11, Variances and Appeals, of this UDC.

15.2 Soil Erosion, Sedimentation, and Pollution Control

15.2.1 Title and Findings

- A. **Title.** This Section will be known as "The City of Stockbridge Soil Erosion, Sedimentation and Pollution Control Ordinance."
- B. **Findings.** The City of Stockbridge finds that soil erosion and sediment deposition onto land and into water within the watersheds of the City are a result of failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement, and construction activities and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is therefore declared to be the policy of the City and the intent of this Section to strengthen and extend the present erosion and sediment control activities and programs of the City and to provide for the establishment and implementation of a County-wide comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of the City of Stockbridge, GA.

15.2.2 Exemptions. This Section 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:
1. Construction of any such residence shall conform to the minimum requirements as set forth in Section 15.2.3.C of this Section.
 2. 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.

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- a. 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.
 - b. **Primary Trout Waters.** For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted.
 - c. **Secondary Trout Waters.** For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet.
 - d. 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 25 horizontal feet, and no variance to a smaller buffer shall be granted.

3. The minimum requirements of Section 15.2.3.C of this Section and the buffer zones provided by this paragraph shall be enforced by the City;

- 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. 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 200 feet of the bank of any State Waters, provided that:
 1. 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 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

2. That nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by this section.
 3. Commercial projects of 5,000 square feet or greater of disturbed area are not exempt from any provision of this Section; 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.

15.2.3 Minimum Requirements

- A. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Section and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Section 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 Section 15.2.3.B, Minimum Requirements/BMPs and Section 15.2.3.B of this Section. 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 Section and the NPDES general permit.
- B. **Minimum Requirements/BMPs**
1. Best management practices as set forth in this Section 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 Section 15.2.3.B.2 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 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 reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
5. The City or district office may set more stringent buffer requirements than stated in elsewhere in this ordinance, in light of subsection (c) of O.C.G.A. § 12-7-6.

C. Additional Requirements. 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 this Section.
16. Except as provided in this Section, there is established a 25 foot 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 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 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - i. Stream crossings for water lines; or
 - ii. Stream crossings for sewer lines; and

17. There is established a 50 foot 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 25 gallons per minute or less shall have a 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

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- 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 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - i. Stream crossings for water lines; or
 - ii. Stream crossings for sewer lines; and

18. There is established a 25 foot 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:

- a. 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;
- b. 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.
- c. 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.

- i. 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
- ii. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of no more than 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.
- iii. 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 25 foot buffer would consume at least 18% 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.
- iv. Activities where the area within the buffer is not more than 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 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 14 days prior to the commencement of land-disturbing activities.

19. 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.
20. 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 Section or the terms of the permit.

15.2.4 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 Section, 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. **Permit.** 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. **Application.** 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 as necessary. Said plans shall include, as a minimum, the data specified in Section 15.2.4.C, Plan Requirements. 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 Section 15.2.4.B and Section 15.2.4.C of this Section will be met. Applications for a permit will not be accepted unless accompanied by three 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. **Fee.** 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 City shall review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City shall approve or disapprove a plan within 35 days of receipt. Failure of the City to act within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by Section 15.2.3.C have been obtained, all fees have been paid, and bonding, if required as per Section 15.2.4.B, has been obtained.
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 City or district office 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, \$3,000 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 Section 15.2.3.B and Section 15.2.3.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 Section. 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 the 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 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 Section, any variances required by Section 15.2.3.C.16, 17, and 18 are obtained, bonding requirements, if necessary, as per Section 15.2.4.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 Section, 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 Section. A holder of a permit shall notify any successor in title to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The City or district office 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).

15.2.5 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 Section.
- 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.

15.2.5 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
- B. The City shall regulate primary, secondary, and tertiary permittees as such terms are defined in the State general permit.
 - 1. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.
 - 2. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.

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3. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.

15.2.6 Effectivity, Validity and Liability

- A. **Effectivity.** This Section shall become effective with the adoption of the ordinance.
- B. **Validity.** If any section, paragraph, clause, phrase, or provision of this Section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Section.
- C. **Liability.**
 1. Neither the approval of a plan under the provisions of this Section, nor the compliance with provisions of this Section 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 Section or the terms of the permit.
 3. No provision of this Section 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.

15.3 Illicit Discharge and Illegal Connection.

15.3.1 General Provisions

- A. **Purpose and Intent.** The purpose of this Section 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 Section 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 Section 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

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4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the provisions of this Section.
- B. **Applicability.** The provisions of this Section 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 Section 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 Section 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 Section 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 Section. 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.

15.3.2 Prohibitions

- A. **Prohibition of Illicit Discharges.** No person shall throw, drain or otherwise discharge, cause or allow others under their control to throw, drain or otherwise discharge into the City's separate storm sewer system any pollutants or waters containing any pollutants other than stormwater.
- B. **Exemptions.** The following discharges are exempt from the prohibition provision above:
 1. 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 wetland flows, swimming pools (if dechlorinated—typically less than one (1) PPM chlorine), 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 City 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.

C. 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 Section if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.
3. Improper connections in violation of this Section 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 City 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 City.

15.3.3 Industrial, Construction 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 City prior to allowing discharges to the City's separate storm sewer system.

15.3.4 Reporting Illicit Discharge to Issuing Authority/City of Stockbridge

- 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.

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- B. Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 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 Section.

15.3.5 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.

15.3.6 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.

15.3.7 Effectivity, Validity and Liability

- A. **Effectivity.** This Section shall become effective with the adoption of the ordinance.

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- B. **Validity.** If any section, paragraph, clause, phrase, or provision of this Section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Section.

15.4 Floodplain Management/Flood Damage Prevention

15.4.1 General

A. **In General.**

1. 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.
 2. 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.
 3. Effective floodplain management and flood hazard protection activities can:
 - a. Protect human life and health;
 - b. Minimize damage to private property;
 - c. 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
 - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
 4. Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) 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 Section 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.
- B. **Purpose.** The purpose of this Section 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:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 2. 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;
 3. Control filling, grading, dredging and other development which may increase flood damage or erosion;
 4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
 5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
 6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.
- C. **Applicability.** This Section shall be applicable to all areas of special flood hazard within the jurisdiction of the City of Stockbridge, Georgia. 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 Section, the following documents and sources may be used for such purposes and are adopted by reference thereto:
1. The flood insurance study (FIS) for the County, dated June 15, 2022, with accompanying maps and other supporting data and any revision thereto.
 3. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
 - a. 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
 - b. 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 Mayor and City Council.
 4. 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:

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- a. 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
 - b. 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 City.
 - c. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the department designated by the City.
 - F. **Compatibility with Other Regulations.** This Section is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Section are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other chapter, 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.
 - G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Section 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 manmade or natural causes. This Section 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 Section 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 Section or any administrative decision lawfully made thereunder.

15.4.2 Administration and Enforcement.

A. **Designation of Administrator.**

- 1. **Appointed.** The City Engineer or their designee is hereby appointed to administer and implement the provisions of this Section.
- 2. **Duties and Responsibilities.** Duties of the City Engineer shall include, but not be limited to:
 - a. Review all land development applications and permits to assure that the requirements of this Section 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 Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;

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- c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided;
 - 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 flood proofed;
 - f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure;
 - g. Notify affected adjacent communities and the State Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - h. Make the necessary interpretation 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). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation, as provided in this Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
 - i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA;
 - j. Review variance applications and make recommendations to the appointed board.

3. Records.

- a. All records pertaining to the provisions of this Section are maintained in the office of the County Clerk and are open for public inspection.
- b. Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, 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 adopted City Building Code.

15.4.3 Permit Requirements

- A. 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 Section prior to commencing the proposed activity.
- B. Unless specifically excluded by this Section, any landowner or developer desiring a permit for a development activity shall submit to the City a permit application on a form provided by the City.
- C. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this Section.

15.4.4 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 or smaller intervals along the foundation footprint, or one-foot 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 structure;
 - 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 15.4.8.B, Nonresidential Buildings;

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4. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 15.4.7.A.5, Elevated Buildings; 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 Section.
 - G. 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.

15.4.5 Construction Stage Submittal Requirements

- A. 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.
- B. 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 Section shall be caused to issue a stop-work order for the project.

15.4.6 Development Standards.

A. Definition of Floodplain Boundaries.

1. "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the department designated by the City. If future-conditions elevation data is not available from the department designated by the City, then it shall be determined by a registered professional engineer using a method approved by FEMA and the department designated by the City.

B. Definition of Floodway Boundaries. The width of a floodway shall be determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 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.

C. General Standards.

1. No development shall be allowed within the future-conditions floodplain that could result in any of the following:
 - a. Raising the base flood elevation or future-conditions flood elevation equal to or more than one-hundredth of one (0.01) foot;
 - b. Reducing the base flood or future-conditions flood storage capacity;
 - c. 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
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
2. Any development within the future-conditions floodplain allowed under this Section shall also meet the following conditions:
 - a. 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;

- b. Cut areas shall be stabilized and graded to a slope of no less than two percent (2%);
- c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- d. Verification of no-rise conditions (one-hundredth of one (0.01) foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 15.4.6.D, Engineering Study Requirements for Floodplain Encroachments;
- e. 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
- f. 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 City 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").

D. 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. 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 City prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

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2. 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;
 3. Floodplain storage calculations based on cross-sections (at least one (1) every 100 hundred feet) 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
 4. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.
- E. **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:
1. **Encroachments Prohibited.** Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway.
 2. **Permitted Encroachments.** 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. A registered professional engineer must provide supporting technical data and certification thereof; and
 - b. 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 City 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 City.
- F. **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 City.

15.4.7 Flood Damage Reduction

- A. **General Standards.** In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:
1. 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 Section 15.4.6, Development Standards have been met.
 2. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 3. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
 4. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
 5. **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.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. 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;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;
 - b. So as not to violate the "lowest floor" criteria of this Section, 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
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

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6. 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 (3) feet above the base flood elevation or one (1) foot 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.
 7. 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.
 8. 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.
 9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 10. 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.
 11. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.
 12. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Section, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
 13. 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.
 14. 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 Section.
 15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. 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

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- c. Adequate drainage shall be provided to reduce exposure to flood hazards.

15.4.8 Building Standards for Structures and Buildings within the Future-Conditions Floodplain

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 Section 15.4.6, Development Standards have been met.
 - a. If all of the requirements 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.
 - b. 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 15.4.6, Development Standards.
2. **Substantial Improvements.** Substantial improvement of any principal structure or manufactured home 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 a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.4.6, Development Standards.

B. Nonresidential Buildings.

1. **New Construction.** New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Section 15.4.6, Development Standards have been met.
 - a. If all of the requirements of Section 15.4.6, Development Standards 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.
 - b. 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 subsection Section 15.4.7.A, Flood Damage Reduction.
 - c. New construction that has met all of the requirements of Section 15.4.6, Development Standards may be floodproofed in lieu of

elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot 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 City 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.
 - a. 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.
 - b. 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 15.4.7.A, Flood Damage Reduction.
 - c. 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 (1) foot 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 Section 15.4.6, Development Standards 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 15.4.7.A, Flood Damage Reduction. and be anchored to prevent flotation, collapse or lateral movement of the structure.

D. Recreational Vehicles. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 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 set forth in Section 15.4.8.A.2, including the anchoring and elevation requirements.

E. Manufactured Homes.

1. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all of the requirements of Section 15.4.6, Development Standards have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one 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 the standards of Section 15.4.7.A, Flood Damage Reduction.
2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision are elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot 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 36 inches 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 the standards of Section 15.4.7.A.7.

15.4.9 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 (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 15.4.6, Development Standards.

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- 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 (1) foot 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 15.4.6, Development Standards. Non-residential buildings may be floodproofed in lieu of elevation.

15.4.10 Building Standards for Residential Single-Lot Development on Streams without Established Base Flood Elevations and/or Floodway (A zones)

- A. 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 City 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 Section. If data are not available from any of these sources, the following provisions shall apply:
1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater; and
 2. 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 (3) feet 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 15.4.7.A, Flood Damage Reduction.

15.4.11 Building Standards for Areas of Shallow Flooding (AO zones)

- A. Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas, the following provisions apply:
1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot 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 (3) feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for floodprone enclosures in accordance with Section 15.4.7.A, Flood Damage Reduction.

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2. 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 (1) foot 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 City using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
 3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

15.4.12 Standards for Subdivision of Land and Other Development

- 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 15.4.4, Flood Management Plan Requirements.
- 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.

15.4.13 Standards for Utilities

- A. All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:
 1. Infiltration of floodwaters into the systems; and
 2. Discharges from the systems into floodwaters.
- B. On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

15.5 Wetland Protection.

15.5.1 General

- A. **Purpose.** The purpose of the regulations in this section is to promote wetland protection, while accounting for varying ecological, economic development, recreational, and aesthetic values. The regulations set forth in this section are intended to limit activities that may damage wetlands, and to require that such activities be located on upland sites to the greatest degree practicable as described in the Comprehensive Plan. The regulations set forth in this section are further intended to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain protection, erosion control, groundwater recharge, aesthetic nature, and provision of wildlife habitat.
- B. **Applicability.** Regulations for the protection of wetlands, set forth in this section, apply to all lands within wetlands located within the jurisdiction of the City of Stockbridge.

15.5.2 National Wetland Inventory (NWI) Maps

The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. These maps should be used as a guide only. Field verification is required to determine the existence or absence of any jurisdictional waters.

15.5.3 Determination of Wetlands Boundary

- A. **Generally.**
 - 1. The NWI maps are general reference documents, and wetland boundaries indicated on the maps are approximations. The purpose of the NWI maps is to alert developers and landowners if the property proposed for development is within or adjacent to a wetland.
 - 2. The NWI maps do not represent the boundaries of jurisdictional wetlands within the City of Stockbridge and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.
- B. Where it is determined that wetlands are located on property proposed for development, a determination of the location and extent of the wetlands must be made by the U.S. Army Corps of Engineers or a qualified consultant. A local permit for development within wetlands will not be issued until a determination has been made by the U.S. Army Corps of Engineers as to whether wetlands exist on the site.
- C. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must first obtain a wetlands alteration section 404 permit from the U.S. Army Corps of Engineers.

15.5.4 Permissible Activities within Wetlands

- A. Lawful activities set forth in this section will be allowed as of right within a wetland. Constructing, grading, filling, draining, or dredging may be permissible only as provided. For waters under state or federal jurisdiction, additional prohibitions may apply.
 - 1. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require a permit as required by section 404 of the Clean Water Act.
 - 2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
 - 3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in section 404 of the Clean Water Act.
 - 4. The cultivation of agricultural crops. Agricultural activities are subject to best management practices approved by the Georgia Department of Agriculture.
 - 5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural best management practices are followed.
 - 6. Education, scientific research, and nature trails.

15.5.5 Activities Requiring a Permit

- A. It shall be unlawful for any person to conduct any of the following activities in a wetland or associated buffer without first obtaining a permit.
 - 1. Deposit fill material in a wetland or associated buffer.
 - 2. Dredge or remove soil or minerals from a wetland or associated buffer.
 - 3. Construct, build, develop, or erect any structure or development in a wetland or associated buffer.
 - 4. Drain surface water from a wetland.
 - 5. Cut or remove wetland or associated buffer vegetation.

15.5.6 Prohibited Activities within Wetlands

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary waste landfills.
- C. Construction of buildings or other structures
- D. Other uses prohibited in the underlying zoning district.

15.5.7 Temporary Activities within Wetlands

- A. **Maintenance or Repair.**

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1. Maintenance and repair is limited to lawfully located roads, structures, and facilities used in the service to the public to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, or other services;
 2. The roads, structures, or facilities are not materially changed or enlarged;
 3. Written notice prior to the commencement of work has been given to Henry County; and
 4. The work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment shall be minimized.
- B. Temporary water level stabilization measures associated with ongoing silvicultural operations.
- C. Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use.
- D. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

15.5.8 Permit Requirements

An application for a development project proposing to conduct activity within a wetland or associated buffer will be required to include the following items:

- A. A site plan drawn to scale.
- B. Soil drainage and stormwater management plans.
- C. The sites and specifications for all proposed drainage, filling, grading, dredging, vegetation removal, and other activities which may affect a wetland or associated buffer. Such specifications shall include the size of the total wetland area on the site, the size of the wetland proposed for impact or elimination, and cubic yards of fill.
- D. A description of any existing or proposed waste disposal and water supply including septic tanks and soil absorption fields. Such description shall include distances to wetlands, associated buffers and other water bodies.

15.5.9 Buffers Required

- A. **Buffer Area.** Wetland buffers are to be calculated by measuring horizontally outward from and perpendicular to the edge of the wetland, as defined herein. They must extend the entire length of the wetland delineation within the property. If a wetland falls into more than one of the categories below, the more restrictive buffer width shall control.

B. **Applicability.** A minimum buffer of 25 feet shall be provided along the perimeter of all wetlands.

C. **Buffer Standards.**

1. The buffer shall be a minimum of 25 feet in width.
2. All existing natural vegetation must be retained and maintained within the buffer.
3. The number and types of plants required within the buffer is as set forth in Table 13.6.5, Recommended Tree List.

15.5.10 Compensatory Mitigation

- A. **When Required.** Compensatory mitigation shall not be considered a substitute for making all practical attempts to avoid wetland impacts. Compensatory mitigation is required for all permitted impacts to wetlands. If impacts to wetlands will require compensatory mitigation pursuant to a Clean Water Act § 404 permit, the City may give credit for § 404 mitigation activities.
- B. **Criteria for Approval.** Compensatory mitigation plans shall be approved only if they meet the following criteria:
1. The mitigation plan shall provide for the in-kind replacement of the predominant functional values of the eliminated or impacted wetland. Mitigated wetlands shall be replaced at the following minimum ratios, in acres: 2:1 for restoration; 4:1 for creation; and 6:1 for enhancement. A larger replacement ratio may be required if the eliminated or impacted wetland is deemed to have exceptional value.
 2. The mitigation plan shall provide for no net loss of wetland resources.
 3. Mitigation may be achieved by purchasing credits at a mitigation bank in the primary or secondary service area of the permitted wetland impact, by purchasing credits from the Georgia In-Lieu Fee Program, or by performing on-site mitigation. All mitigation must be in-kind.
 4. The mitigation plan shall comply with all applicable federal, state, and local laws and regulations.
 5. Any mitigation activity shall be completed before initiation of permitted activities, including activities permitted by a permit, unless a phased concurrent schedule can be agreed upon between the Director and the applicant.

15.6 Watershed Protection.

15.6.1 General

- A. **Purpose.** The purpose of this section is to identify and protect water supply watersheds within the City of Stockbridge. This Section sets forth development standards intended

to maintain the quality and quantity of the water supply within the City and adjacent jurisdictions.

- B. **Applicability.** The provisions of this Section apply to all lands located within Water Supply Watersheds, as identified by the Georgia Environmental Protection Division (EPD) and the Metropolitan North Georgia Water Planning District (MNGWPD), as amended.
- C. **Relationship to Other Regulations.** The standards of this Section are intended to supplement all other applicable provisions of this UDC. Where conflicts occur, the more restrictive standard shall apply.

15.6.2 Establishment of Watershed Protection Areas

- A. Watershed Protection Areas shall be identified on the City of Stockbridge Official Zoning Map. Such mapping may include areas associated with reservoirs, public water supply intakes, and tributary watersheds regulated by the Georgia Environmental Protection Division (EPD).
- B. Where the boundaries of a Watershed Protection Area are uncertain, the Director may require additional information prepared by a licensed professional, including topographic mapping, watershed delineations, or other documentation demonstrating the location of watershed boundaries.

15.6.3 Water Quality Critical Areas

- A. A water quality critical area shall be established within each watershed protection area and shall include the following:
 - 1. All land adjacent to the normal pool elevation of a reservoir, extending landward to the watershed ridge line or 500 feet from the normal pool elevation, whichever distance is less.
 - 2. All land adjacent to each perennial stream flowing into the reservoir, extending three (3) miles upstream from the reservoir's normal pool elevation and laterally to the watershed ridge line or 500 feet from each side of the stream, whichever distance is less.
- B. The normal pool elevation of all existing reservoirs shall be maintained on file with the Department.

15.6.4 Limited Development Area

- A. A limited development area shall be established for the remaining part of the watershed protection area that is located outside of the water quality critical area, and which extends to the ridge line of each watershed protection area.
- B. If a perennial stream abuts or crosses any property within the limited development area, the use regulations of Section 15.6.5, Uses in Watershed Protection Areas shall apply.

15.6.5 Uses in Watershed Protection Areas

- A. Table 15.6.5, Uses in Watershed Protection Areas identifies permissible and prohibited uses within the water quality critical area and limited development area of any watershed protection area.

Table 15.6.5 - Uses in Watershed Protection Areas		
Land Use	Water Quality Critical Area	Limited Development Area
Residential	Permitted;	Permitted

	Multi-family dwellings shall be prohibited	
Commercial	Prohibited	Permitted
Industrial	Prohibited	Permitted
Institutional or Civic	Prohibited	Permitted
Public Utility	Prohibited	Permitted
Agricultural and/or Natural Resources	Permitted; Confined animal feed operations (CAFOs) shall be prohibited; Silviculture activity shall be prohibited within 25 feet of a water body	Permitted; Silviculture activity shall be prohibited within 25 feet of a water body

B. Uses within watershed protection areas shall also comply with the following provisions:

1. Permitted uses established by Table 15.6.5, Uses in Watershed Protection Areas, shall be subject to the dimensional standards of Section 15.6.6, Dimensional Standards for Uses in Watershed Protection Areas.
2. Where applicable, septic tanks may be permitted subject to approval by the Henry County Health Department and applicable City departments.
3. Where applicable, roads, sidewalks, and multi-use or greenway trails may be permitted, subject to approval by the Director.
4. Where applicable, new facilities located within the watershed protection area that handle hazardous materials of a type and amounts requiring a permit from the Georgia DNR, or that require disposal by a hazardous materials handler permitted or licensed by the Georgia DNR at a hazardous materials facility, must perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collections systems must be shown on the development plan in detail, in compliance with this UDC.

15.6.6 Dimensional Standards for Specific Uses in Watershed Protection Areas

Proposed development shall comply with both the standards for watershed protection areas in Table 15.6.6, Dimensional Standards within Watershed Protection Areas, and the standards of the underlying zoning district. Where standards conflict, the stricter standard shall apply.

Table 15.6.6: Dimensional Standards within Watershed Protection Areas						
Land Use		Setback (from water body)	Min. Lot Size (septic)	Min. Lot Size (sewer)	Lot Min. Width	Max. Impervious Coverage
Residential	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	150 ft.	20%

	Limited Development Area	150 ft.	1 acre	10,890 sq. ft.	100 ft.	25%
	Limited Development Area (with perennial streams)	200 ft.	1.25 acres	1 acre	150 ft.	25%
Industrial	Water Quality Critical Area	N/A	N/A	N/A	N/A	N/A
	Limited Development Area	150 ft.	4 acres	2 acres	100 ft.	25%
	Limited Development Area (with perennial streams)	200 ft.	5 acres	2 acres	150 ft.	25%
Agricultural and/or Natural Resources	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	N/A	20%
	Limited Development Area	150 ft.	1 acre	0.5 acres	N/A	25%
	Limited Development Area (with perennial streams)	200 ft.	1 acre	0.5 acres	N/A	25%
All other uses	Water Quality Critical Area	N/A	N/A	N/A	N/A	N/A
	Limited Development Area	150 ft.	1.5 acres	1 acre	N/A	25%
	Limited Development Area (with perennial streams)	200 ft.	2 acres	1.5 acres	N/A	25%

15.6.7 Buffers in Watershed Protection Areas

A. Buffers shall be required in watershed protection areas as follows:

1. **Buffers within Water Quality Critical Areas.** A natural or enhanced vegetative buffer shall be maintained for at least 150 feet from the normal pool level of a reservoir and at least 100 feet on both sides of any other surface water as measured from the banks.
2. **Surface Water Buffers within Limited Development Areas.** A natural or enhanced vegetative buffer shall be maintained for at least 100 feet on both sides of any surface water as measured from the banks.

15.6.8 Septic Tanks and Drain Fields within Watershed Protection Areas

- A. Septic tanks and septic tank drain fields shall be prohibited in the setback areas established in Table 15.6.6, Dimensional Standards within Watershed Protection Areas for buildings and impervious surfaces in watershed protection areas.
- B. Septic tanks and septic tank drain fields for residential development shall be setback at least 100 feet from any surface water.

15.6.9 Alternative Compliance for Impervious Surface Limitations

- A. The percentage of impervious surface is determined by the sum of all land areas to be covered by impervious structures during the development of the property including, but not limited to, roads, streets, driveways, houses, buildings, and parking areas, divided by the total site area.
- B. A development may participate in a regional wet detention pond program which has been established by one or more public or private entities subject to the following conditions:
 - 1. Runoff from the development drains into a regional stormwater management control facility approved by the City.
 - 2. An agreement between the City and the landowner has been executed which guarantees participation in the regional stormwater arrangement of the property and the detention pond.
 - 3. Construction of a regional detention pond meets or exceeds the design requirements of the stormwater management provisions set forth in Chapter 17, Stormwater Management.
- C. A development may provide an alternative method for stormwater control other than a wet detention pond provided it complies with the stormwater management requirements set forth in Chapter 17, Stormwater Management, and design criteria for pollutant removal equivalent to those associated with wet detention ponds included in the Georgia Stormwater Management Manual, as amended.

15.7 Groundwater Recharge Protection

15.7.1 General

- A. **Purpose.** The provisions of this Section are intended to protect groundwater as follows:
 - 1. Restricting land uses that generate, use, or store dangerous pollutants in recharge areas;
 - 2. Limiting density of development; and
 - 3. Ensuring that any development that occurs within the recharge area will have no adverse effect on groundwater quality.
- B. **Applicability.** The provisions of this Section apply to all lands mapped as significant recharge areas by the Georgia Department of Natural Resources (DNR) in Hydrologic Atlas 18, 1989 edition, as amended, or as identified in the Comprehensive Plan.

15.7.2 Determination of Pollution Susceptibility

Limitations on land use activities shall be based on the degree to which the aquifer is susceptible, or at risk, to pollution from spills, discharges, leaks, impoundments, application of chemicals, injections, and other human activities. The Georgia DNR has prepared maps of pollution susceptibility, which categorize land in areas of high, medium, and low potential for groundwater pollution. These maps will be the basis for determining the locations for limited land use activities, as set forth in Section 15.7.3, Limitations and Requirements for Specific Land Use Activities.

15.7.3 Limitations and Requirements for Specific Land Use Activities. In addition to any use standards of this UDC, the following development standards shall apply within groundwater recharge protection areas:

- A. New above ground chemical or petroleum storage tanks with a minimum volume of 660 gallons shall provide secondary containment for:
 1. 110% of the volume or such tanks; or
 2. 110% of the volume of the largest tanks in a cluster of tanks.
- B. New agricultural waste impoundment sites shall be lined with compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec, or other criteria as established by the U.S. Soil Conservation Service, when located in the following areas:
 1. A high pollution susceptibility area.
 2. Medium pollution susceptibility areas and the site exceeds 15 acre-feet.
 3. Low pollution susceptibility areas and the site exceeds 50 acre-feet.
- C. New wastewater treatment basins shall be designed with an impermeable liner approved by the Georgia Environmental Protection Division.
- D. Wastewater spray irrigation systems or land spreading applications shall comply with the Georgia Department of Natural Resources criteria for slow rate land treatment. Such uses shall also provide proof of receipt of a land application system permit from the Georgia Environmental Protection Division.
- E. New facilities for the handling of hazardous materials of types and amounts regulated by the Georgia Department of Natural Resources shall perform all operations in impermeable surfaces with spill and leak collections systems meeting the requirements of said agency.
- F. New single-family dwellings served by septic tank or drain field systems shall have a minimum lot size meeting the larger of:
 1. The minimum lot size limitations shown on Table MT-1 of the Georgia Department of Public Health "Manual for On-Site Sewage Management Systems"; or

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2. 150% of the lot size on Table MT-1, when located within a high pollution susceptibility area; or
 3. 125% of the lot size on Table MT-1, when located within a medium pollution susceptibility area; or
 4. 110% of the lot size on Table MT-1, when located within a low pollution susceptibility area.

15.8 Recycling of Water at Commercial Carwash Facilities

15.8.1 Purpose.

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.

15.8.2 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 50% of water utilized will be recycled.

15.8.3 Water Waste

- A. **Prohibited.** 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 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.

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- B. **Permitted.** 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.

15.9 Outdoor Watering

15.9.1 Restriction on Outdoor Watering of Landscape

- A. 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:
1. 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;

2. Capture and reuse of cooling system condensate or storm water in compliance with any applicable City ordinances and State guidelines;
3. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
4. 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;
5. Watering personal food gardens;
6. 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;
7. Drip irrigation or irrigation using soaker hoses;
8. Hand watering with a hose with automatic cutoff or handheld container;
9. 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;
10. Watering horticultural crops held for sale, resale, or installation;
11. Watering athletic fields, golf courses, or public turf grass recreational areas;
12. Installation, maintenance, or calibration of irrigation systems; or
13. Hydroseeding.

CHAPTER 16: INFRASTRUCTURE IMPROVEMENTS

16.1 Multimodal Traffic Impact Studies (TIS)

16.1.1 Purpose and Intent

- A. Understanding the demands placed on the City's transportation network by development is an important dimension of assessing the overall impacts of development. All developments generate 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 several 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.

16.1.2 Objectives.

- A. 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 assess the impacts that a proposed development may have and assist the City government in making decisions regarding development proposals.
 - 6. Help to 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.

16.1.2 In General

- A. A 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.
- B. 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).
- C. 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 the Public Works Department to evaluate the development proposal and, when appropriate, recommend conditions of approval.

- D. The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with the Public Works Department 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.

16.1.3 Applicability

- A. **Thresholds of Applicability.** A traffic impact study shall be required for all developments proposing to meet one or more of the following thresholds:
 - 1. The development is expected to generate more than 100 new vehicle trips during an A.M. or P.M. peak hour; or
 - 2. The development is expected to generate more than 750 new vehicle trips in an average day; or
 - 3. The development involves the construction of 50,000 square feet or greater of nonresidential building space, in single or multiple phases; or
 - 4. The development would contain multifamily dwellings; or
 - 5. The development would contain more than 100 total dwelling units; or
 - 6. The development is an industrial, logistics, warehouse, or freight related use expected to generate 30 or more truck trips per day; or
 - 7. The development generates more than 40% of its total traffic in the form of truck traffic using passenger car equivalents (PCE).
- B. **Determination of Applicability.** At the time a development proposal is filed, or during any pre-application conference 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. Traffic impact studies shall be required for submittal during the land disturbance, clearing and grading, building permit, or development permit, and shall not be required during the zoning process.
- C. **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) that 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 Section; or
 - 3. A traffic impact study will not be required by the City for those developments with frontage and access along a State route.

16.1.4 Analysis

- A. The source for trip generation rates for the purposes of this chapter 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 chapter 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 Public Works Department.
- B. **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 director shall determine:
 1. 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;
 2. Other trip generations studies of similar development are available; or
 3. Professionally acceptable trip generation rates for one (1) or more similar land uses can be used in making the determination of applicability.

16.1.5 Study Scope Meeting.

Once it is determined that a traffic impact study is required, a scope meeting must be held with the developer or their consultant and the appropriate representatives of the City. It will be the responsibility of the developer or their 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.

16.1.6 Required Contents

- A. 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 chapter, the traffic impact study area shall be determined according to trip

generation rates as shown in Table 16.1.6.A, Study Area Size Requirements. In the event there is a difference because of applying peak and total trips, the more restrictive requirement (larger study area) shall apply.

Table 16.1.6.A– 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	10,0001 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. **Trip Generation Data.**
 - a. **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 chapter, using professionally accepted assumptions about the percent of "pass-by" trips approved by the Director.
 - b. **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 may 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 Section, 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 24% of total trips generated.
 - c. **Phased Development.** If phased development is proposed, the study shall include projections for the year that each phase of the development is planned to be complete.
 - d. **Pending/Approved Developments.** The traffic impact study shall also include trip generation data for any pending and approved developments that would affect the study area. The Public Works Department 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.

- e. **Truck Trips.** Truck trips shall be calculated and shown separately. Peak hour distribution of inbound and outbound trucks shall be identified separate from passenger cars. For light industrial, industrial parks and warehouse uses, trip rates contained in the latest edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE), unless otherwise approved by the director, shall be used. All truck trips shall be converted into passenger car equivalents (PCE) for intersection capacity analysis.
- 9. **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 use 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.
- 10. **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.
- 11. **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.
- 12. **Trip Distribution and Assignment.** Trip distribution for the proposed development. For developments expected to generate more than 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. **Crash Analysis.** Analysis of crash data in accordance with the Highway Design Manual and an identification and description of specific mitigation measures.
19. **Multimodal Analysis.** Analysis of multimodal site access, safety analysis, and pedestrian considerations and an identification and description of specific mitigation measures.
 - a. **On-Site Circulation.** The traffic impact study shall address whether on-site vehicular and pedestrian circulation and parking layouts are safe and efficient.
 - b. **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 non-residential 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.
 - c. **Mitigation Measures and Costs.**
 - i. 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.

- ii. If roadway improvements are needed, the study shall show a drawing for all recommended lane configurations.
 - iii. 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 detailing the signal design and phasing plans.
 - iv. The estimated cost associated with implementing all such mitigation measures shall be provided in the traffic impact study.
 - v. The traffic impact study may consider any City/County/State-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.
- d. **Alternative Transportation.** Alternative transportation (sidewalk, bicycle, transit) needed because of the study, shall be identified. Should the proposed development require multimodal improvements, mitigations factors must be included and will be included as a condition of Final Plat or Certificate of Occupancy approval.
- e. **References.** A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
- f. **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.

16.1.7 Additional Technical Specifications.

The City 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.

16.1.8 Cost 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.

16.1.9 Submittal and Review

- A. **Submittal.** The applicant for the proposed development or the qualified professional shall submit a copy of the traffic impact study and technical appendix to the Public Works Department.
- B. **Review.** Within ten (10) working days of receipt of a traffic impact study, the Public Works Department shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent, and fully explained. The Public Works Department shall return the traffic impact study to the development applicant for correction.
- C. **Recommendations for Mitigation of Impacts.** Within 15 working days of receipt of a completed traffic impact study, the Public Works Department must complete the review of the study and submit to the Community Development Director, or their designee, all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the development proposal that will mitigate traffic impacts of the proposed development.
- D. **Determination of Project and System Improvements.**
 - 1. The Public Works Department will determine which mitigation measures constitute “project” improvements and which mitigation measures constitute “system” improvements within the context of the Georgia Development Impact Fee Act of 1990.
 - 2. If a particular improvement is called for in the traffic impact study or recommended by the Public Works Departments, and the Department is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristic of both a project improvement and a system improvement, the Public Works Departments, with the assistance of the Community Development Director, will determine the proportion of the cost of such improvement(s) that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.
- E. **Conditions of Development Approval.** Upon the determination of project improvements needed to mitigate the traffic impacts of the development proposal as provided in this UDC, the Public Works Department may recommend the project improvements be completed by the developer as conditions of approval of the development proposal.

- F. **System Improvements.** The Public Works Department shall include system improvement recommendations in the conditions for approval of the development plan.

16.2 Minimum Design Standards

16.2.1 In General

- A. 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.
- B. 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.
- C. 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.

16.2.2 New Subdivisions

In order that the various purposes of this Chapter may be accomplished, all subdivisions hereafter established shall be developed and improved in accordance with the minimum design standards set forth in this Chapter. Final Plat approval shall not be given to any subdivision until all appropriate design standards have been met and until all appropriate required improvements have either been installed or an appropriate bond or certified check has been posted to secure the installation of such improvements. No subdivision shall be accepted for review under these regulations which do not conform with this UDC.

16.2.3 Recorded but Unopened

Parcels recorded prior to the effective date of these regulations which abut an unopened street shall not be developed until such street or portion thereof has been opened and constructed according to this UDC.

16.2.4 Re-Subdivision of Lots within a Recorded Single-Family Subdivision

- A. Lots within a recorded subdivision for single-family detached units designed to be developed as a unified whole shall not be further subdivided if such re-subdivision results in any of the following:
 - 1. The re-subdivision creates lots of such size or shape which would alter or change the character of the recorded single-family subdivision; and/or

2. The re-subdivision adversely impacts the visual quality or consistency of the established development pattern.

16.2.5 Water Main Design and Construction Standards

All developments shall comply with the minimum standards as regulated by the Public Works Department, as applicable and amended.

16.3 Streets

16.3.1 General

- A. No person shall do any paving work, or any other related or similar roadwork, on, or adjacent to, a City street without a permit.
- B. All transportation system design, street design, and construction for non-local 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. 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.
- E. After preparation of the subgrade, the roadbed shall have base material and paving applied according to City specifications.
- F. Design speeds, typical Sections of roadway, maximum superelevation rates, and other roadway design items are to be set by City of Stockbridge on an individual basis.
- G. Alleys may be provided at the rear of lots.

H. Roadways may be created or established by:

1. Dedication;
2. Prescription;
3. Express grant of an easement;
4. Deed;
5. Special statutory proceeding; or
6. Condemnation.

16.3.2 Private Streets and Drives

A. Private Drives.

1. **Definition.** Private drives are defined as sub-standard private accessways providing access to more than one parcel where one or more of those parcels lacks direct frontage on a public or private street. Private drives are located within the boundaries of the parcels they serve and are not subdivided or dedicated as right-of-way. Private Drives are subject to the following classifications and regulations outlined herein.
2. **Standards for Private Drives.** All private drives shall meet the following standards:
 - a. Shall be located within a recorded private access easement and shall comply with applicable property owners' association and maintenance requirements.
 - b. No new platted lots of record may be created or subdivided using an existing or future private drive for access.
 - c. Private drives are only permitted to serve existing platted lots of record or lots deeded prior to the original adoption of zoning regulations in Madison County.
 - d. Private drives shall serve no more than one (1) lot.
 - e. Where a deficient private drive exists and a lawful, existing platted lot of record is proposed to take new access from it, the entire length of the private drive shall be brought into compliance with Section 16.3.4, Requirements for New and Redevelopment Streets.

B. Private Streets.

1. **Definition.** Private streets are defined as privately owned and maintained accessways which serve as the primary means of vehicular access for multiple lots or units within a development. Unlike private drives, private streets are constructed within a platted and recorded access easement or parcel but are not dedicated to or maintained by a public agency. Private streets are intended to function similarly to public streets in terms of connectivity, design, and

emergency access, and are subject to the design, construction, and maintenance requirements outlined herein.

2. **Standards for Private Streets.** All private streets shall meet the following standards:
 - a. Shall provide a private access easement and comply with property owners' association requirements and maintenance requirements.
 - b. Shall meet construction standards for public streets provided herein.
 - c. Shall require approval from the Mayor and City Council.
 - d. Where a deficient private street exists and a lawful, existing platted lot of record is proposed to take new access from it, the entire length of the private drive shall be brought into compliance with the Section 16.3.4, Requirements for New and Redeveloped Streets.
 - e. Upon compliance with all of the provisions of the UDC, building permits may be issued for building on private street upon the applicant signing a "statement of understanding" that said roadway is a private street 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 Street." At such times, the City shall accept said road as a City street provided that the property owners along said road convey the minimum width required by the City.

C. **General Standards for Private Streets and Drives.**

1. **Private Access Easements.** All private streets or drives shall be located within a recorded private access easement that meets the following standards:
 - a. Shall cover the length of private streets or drives that connect directly to federal, state, or locally maintained road or private street.
 - b. Shall have a minimum width of 30 feet.
2. **Property Owners Association Requirements.** Any private drive serving multiple properties shall be maintained by a mandatory property owners association, which shall include:
 - a. Mandatory membership for all property owners of lots served by the private drive or street.
 - b. Responsibility for road maintenance, insurance, and tax obligations.
 - c. Equitable cost-sharing provisions for all lot owners.
 - d. Authority to place liens on the real property of members who fail to pay dues or assessments.
3. **Maintenance.**

- a. The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements, or any other appurtenances within general purpose public access and utility easements established for private streets or drives.
- b. Permanent repairs to the streets or drives shall be made by the homeowners' associations or other entity having maintenance responsibility for the development. Driveways and sidewalks will be repaved, sodded or landscape areas will be graded, smoothed, reseeded or resodded, where appropriate.
- c. A private maintenance covenant recorded with the Clerk of the Superior Court shall be required for any private street or drive and other improvements within general purpose public access and utility easements established for private streets or drives. The covenant shall address:
 - i. Allocation of expenses;
 - ii. Remedies for noncompliance;
 - iii. Use and access rights; and
 - iv. Other terms as necessary to ensure long-term maintenance.

4. Final Plat Requirements.

- a. Recordation of a Final Plat is required to establish all private streets or drives. Additional plat process may be required, based on the applicability found in Chapter 14, Subdivisions.
- b. No final plat involving a private street or drive shall be approved for recording unless it contains the following:
 - i. Deed book and page reference to the recorded maintenance covenant and access easement(s).
 - ii. Maintenance Statement: "The City of Stockbridge has no responsibility to build, improve, maintain, or otherwise service the private streets/drives, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
 - iii. Grant of Easement: "The general purpose public access and utility easement(s) shown on this plat for private street/drive(s) are hereby granted. This grant shall be construed to authorize access for the City and utility providers for the installation and maintenance of infrastructure, including electric, gas, water, sewer, telecommunications, and fiber optics, with rights of ingress, egress, and vegetation maintenance as necessary."

- iv. Compliance with all bonds and phasing of improvements shall be required for private streets as if it was to be publicly dedicated, unless a specific provision is determined not to be applicable by the Community Development Director.

16.3.3 Street Construction Methods

- A. Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to the latest specifications of the Georgia Department of Transportation.
- B. **Grading, Clearing, and Grubbing.**
 - 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; and
 - c. All required silt and erosion control measures have been installed and approved.
 - 2. 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.
 - 3. No rubbish or other material resulting from the clearing and grubbing of the roadway shall be buried at the site.
 - 4. 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.
- C. **Excavation.**
 - 1. 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 the Public Works Department.
 - 2. 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.
- D. **Subgrade Preparation for all Streets.** Subgrade preparation shall be in accordance with Georgia Department of Transportation specifications.
- E. **Removal of Unsuitable Material.** If any sections of the subgrade are composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized.

- F. **Compaction.** Fill shall be placed in uniform, horizontal layers not more than six (6) inches thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95% of maximum dry density except for the top 12 inches which shall be compacted to 98% of maximum dry density.
- G. **Brought to Line and Grade.** After the earthwork has been completed, all storm drainage, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.
- H. **Roadway.**
1. The entire roadbed shall be scarified and compacted with a sheep's foot or other approved rollers.
 2. 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.
 3. Slopes of cuts and fills shall also be carefully shaped to the true section specified.
 4. 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 12 inches of the finished roadbed.
 5. All ditches and drains shall be opened to effectively drain the roadway.
- I. **Utility Trenches to be Compacted.** All utility crossings within the right-of-way must be installed prior to subgrade approval. All manhole covers must be flush with top of intermediate course if there is a delay in applying the final surface course for new roadway pavement. Manhole covers will be required to be adjusted flush when final surface course is installed. Utility trenches cut in the subgrade shall be backfilled as specified herein. Compaction tests at the rate of 1 per 150 feet of trench shall be provided to verify compaction.
- J. **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 approved by the Public Works Department.
 3. Water lines shall be installed after installation of the curb and gutter.

- K. **Roll Testing Required.** The subgrade must pass roll testing prior to placement of the base material. The roll test of the subgrade and base material shall be observed and approved by the Public Works Department prior to paving.
- L. **Temporary Traffic Surface.** When the street is to be used for construction traffic before the paving work is completed, a layer of stone (except crusher run) shall be laid as a traffic surface. This material shall not be used as a part of the base material. It may be worked into the subgrade, or it shall be removed before the base course is set up for paving.
- M. **Provisions to drain low points.** Provisions shall be made to drain low points in the road construction when the final paving is delayed. A break in the berm section is required when the curbing has not been constructed. Drainage under the curb to side slopes after installation is required, using minimum four-inch diameter pipe sections. Vegetated or stabilized swales should be considered for managing road construction runoff.

16.3.4 Requirements for New and Redeveloped Streets

A. General Standards.

1. All improvements shall be constructed and dedicated by the developer.
2. Proposed street layouts shall interconnect within a development and with adjoining development as often as possible.
3. Half streets shall be prohibited except where essential to the reasonable development of the subdivision and approved by the Public Works Department.
4. Any subdivision or development with access onto a highway, arterial, or collector street shall provide lanes for deceleration, ingress, and egress, as approved by GDOT on state roads and approved by the city on non-state roads.
5. Any subdivision or development which access onto an arterial or collector road shall be required to design and construct a left turn lane, if GDOT criteria are met. The developer will be responsible for the acquisition of right-of-way and relocation of utilities.
6. Minimum radius for cul-de-sacs shall be 40 feet from the back of curb, except for commercial or industrial areas, where the minimum radius shall be 55 feet from the back of curb.
7. Table 16.3.4, Street Specifications for Non-State Maintained Roads is provided for non-state maintained roads within the limits of the City.

Table 16.3.4 – Street Specifications for Non-State Maintained Roads			
Street Type	Minimum Right-of-Way/Easement width	Minimum Pavement widths ¹ with curb and gutter	Minimum Pavement widths ¹ without curb and gutter
Major Arterial	100 feet	52-53 feet	48 feet

Minor Arterial	80 feet	28-29 feet	24 feet
Collector	80 feet	28-29 feet	24 feet
Local (Residential)	50 feet	28 feet	Prohibited
Local (Non-residential)	60 feet	28 feet (commercial) 30 feet (industrial)	Prohibited
Cul-de-Sac (Residential)	80 feet	80 feet	Prohibited
Cul-de-Sac (Non-residential)	110 feet	110 feet	Prohibited
Alley	N/A	20 feet	20 feet
1 = The City may require additional right-of-way and pavement width in specific situations. Roadways with medians and/or additional language will require extra right-of-way and pavement widths.			

- B. **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, as approved by the Fire Marshal. Said areas shall be marked "Fire Lane-No Parking."

16.3.5 Street Construction Standards

A. Minimum Standards.

- Road design and construction must comply with the minimum standards as shown in Table 16.3.5, Roadway Construction Standards.

Table 16.3.5 – Roadway Construction Standards					
Street Type	Surface Topping Plant Mix	Tack Coat	Asphalt Binder Course	Prime Application	Base Construction
Local (up to 40 residential lots)	2 inches of 12.5mm superpave ¹	0.04-0.06 GAL/square yard	2 inches of 19mm superpave ¹	0.20-0.25 GAL/square yard	6 inches GAB
Local (41 to 100 residential lots)	1.25 inches of 9.5mm superpave ¹				
Local (over 101 residential lots)	1.5 inches of 12.5mm superpave ¹				

Local (Commercial)			3 inches of 19mm superpave ¹		8 inches GAB
Local (Industrial)			4 inches of 25mm superpave ¹		10 inches GAB
Collector					
Arterial					
1 = Superpave mix with hydrated lime (Level 1)					

B. 2:1 maximum slope allowed (2:1 or flatter) for fill areas and back slopes.

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 percent (100%) 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 (0.5) inch.
4. The acceptance crown tolerance shall be one-half ($\frac{1}{2}$) inch.

D. Roadway Graded Aggregate Base Requirements.

1. The Department shall be notified 24 hours prior to the placing of any base material.
2. The Department 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 Department 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 to determine the thickness of the constructed base course.
 - a. Tests shall be taken 400 feet intervals alternating between each lane and center of roadway.

- b. Measurements shall be taken per GDOT standards,
 - c. Areas found to be deficient in thickness shall be corrected as directed by the Department. 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. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the Public Works Department.

E. Paving.

- 1. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the Department.
- 2. All asphaltic concrete material and construction shall be in accordance with GDOT standards for "hot mix asphaltic concrete construction".
- 3. The Department 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 Department, the extent of deficiencies will impair the performance of the pavement, the Department 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 Department 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 Department may require a minimum one (1) inch overlay of the streets.
- 6. 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-inch asphalt pavement course.
 - a. The minimum core diameter shall be such that compaction of the sample can be determined in the lab and subsequent data supplied to the Department.
 - b. The compaction of the course shall be required to meet Georgia Department of Transportation (GDOT) specifications per the asphalt mix placed.
 - c. If a two (2) course asphalt section is required, the cores for the binder layer shall be cut, reviewed, and approved by the Department 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 (1.5) inch and one and one-quarter (1.25) inch in thickness, shall be made to determine the thickness only.

- d. All cores shall be made on 400 foot 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:

- i. When the number of cores deficient in thickness within the allowable one-quarter (0.25) inch tolerance, or deficient in compaction exceeds 35% of the total cores taken on one (1) street; or
- ii. When two (2) or more consecutive tests show a deficiency of more than one-quarter (0.25) 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 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 (1.25) inch in compacted thickness. The type of material used in the overlay shall be specified by the Department.

F. **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 80% stand of grass shall be obtained. All swales and ditches excavated below required depth shall be backfilled and compacted to 95% of maximum dry density.

G. **Horizontal Alignments.**

- 1. The radius of horizontal curves on local residential streets within a subdivision shall be no less than 200 hundred feet.
- 2. The radius of horizontal curves on non-residential streets shall be no less than 300 hundred feet.
- 3. The horizontal radius for collector and arterial streets or any streets with a design speed of more than 25 miles per hour shall comply with the latest version

of the American Association of State Highway and Transportation Officials (AASHTO) standards.

4. The minimum tangent lengths on non-residential streets is 100 feet.
5. The minimum tangent lengths on roadways with superelevation are 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.

16.3.6 Street Grades and Design Speeds

- A. **Local and Collector Streets.** Maximum grade for all local and collector streets shall be 12%.
- B. **Arterial Streets.** Maximum grade for all arterials shall be five percent (5%).
- C. All changes in grade must be connected by vertical curves which adhere to the design criteria as set forth by the current edition of the American Association of State Highway and Transportation Officials (AASHTO) Guide.

16.3.7 Curbs and Gutters

- A. **Curb and Gutter Required.** All new streets shall be provided with curb and gutter. All gutters shall drain smoothly with no areas of ponding.
- B. **Gutter.** Gutters shall be a minimum of 18".
- C. **Curbing.** Curbing shall meet the following requirements:
 1. **Profile.** All curbs shall be L-back curbs.
 2. **Curb Section.**
 - a. **Residential Streets.** Typical minimum section shall be 28" x 6"
 - b. **Major Thoroughfares.** Typical minimum section shall be 30" x 6" for travel lanes along roadways with a posted speed limit of 40 miles per hour or 45 miles per hour.
 3. **Material.** All curbs shall be constructed of Portland cement concrete.
 4. Curbs shall be designed to provide handicapped access at street intersections, wherever sidewalks are constructed.
- D. **Construction Methods.** Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. The grade of the new gutter shall be placed one inch (1") above the pavement grade in areas where drainage will not be adversely affected.
 1. Line and grade shall be field staked for grades less than two percent (2%) and grades over 12%, and within 100 feet in both directions from all low points.

2. One-half inch (0.5") expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points, and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
3. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
4. Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

16.3.7 Street Intersections

A. Angle of Intersection.

1. Intersections shall be generally be at right angles.
2. Shall not be at an angle of less than 80 degrees or more than 100 degrees on residential streets, unless approved by the City.
3. Shall not be at an angle of less than 90 degrees or more than 100 degrees for nonresidential streets, unless approved by the City.

B. Curb Radius.

1. The minimum curb radius at street intersections shall not be less than 25 feet in residential subdivisions.
2. The minimum curb radius of street intersections for nonresidential streets shall be 50 feet.
3. For streets/roadways to have a dual lane exit, the exit curb radius shall not be less than 75 feet.
4. Where a City collector or an arterial roadway intersects with another City collector or arterial roadway the minimum radii at the intersection shall be 50 feet.

C. Street Intersection Standards.

1. 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 the Georgia Accessibility Code. The curb shall be depressed to accommodate future installations at the same time as the curb.
2. Interior subdivision street intersections shall have a minimum centerline offset of at least 125 feet when not aligned directly across from one another.

D. Visibility at Intersections.

1. **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 (3.5) feet located 14 feet from edge of travel lane or from the edge of the deceleration lane and an object height of three and one-half (3.5) feet located in

the center of each respective lane. However, street signs, streetlights, mailboxes, or similar shall be permitted within the sight line triangles.

2. Intersection Sight Distance.

- a. Curb cuts shall be placed to provide for the minimum intersection sight distance based on the intersecting road's posted speed limit as shown in Table 16.3.7.D.2.A Intersection Sight Distance.

Table 16.3.7.D.2.A – Intersection Sight Distance	
Speed (MPH)	Intersection Sight Distance
25	280
30	335
35	390
40	445
45	500
50	555
55	610

Source: 2018 AASHTO Green Book

- b. The intersection sight distance is measured using a driver-eye height of three and one-half (3.5) feet and an object height of three and one-half (3.5) feet with the driver eye being located 14 feet beyond the edge of the travel lane or from the edge of the deceleration lane and an object height of three and one-half (3.5) feet located in the center of each respective oncoming lane.
- c. Intersection sight distance shown in Table 16.3.7.D.2.A, Intersection Sight Distance is for a stopped passenger car to turn left onto a two-lane highway with no median and grades three (3) percent or less. For other conditions, the time gap should be adjusted and the sight distance recalculated per AASHTO standards, latest edition.

3. Stopping Sight Distance.

- a. The minimum centerline stopping sight distance shall be designed relative to the design speed of the street as shown in Table 16.3.7.D.3.B, Stopping Sight Distance.

Table 16.3.7.D.3.B – Stopping Sight Distance

Speed (MPH)	Centerline Stopping Sight Distance	Minimum crest curve "k" value	Minimum sag curve "k" value
25	155	12	26
30	200	19	37
35	250	29	49
40	305	44	64
45	360	61	79
50	425	84	96
55	495	114	115

Source: 2018 ASSHTO Green Book

- b. The centerline stopping sight distance shall be measured above the centerline using a driver eye height of three and one-half (3.5) feet and an object height of six (6) inches.
 - c. 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.
- E. **Maximum Grade.** Street intersections should be designed with a flat grade wherever possible, but in no case should the grade exceed 2 percent (2%) in normal situations (or 4 percent (4%) in topographical hardship situations on local streets).
- F. **Islands.** Islands in street intersections shall conform to the design requirements of the standard drawings. In no case shall anything in an island extend more than three feet above the street grade within the right-of-way, except traffic regulatory devices and other infrastructure erected or approved by the City. No island shall be approved which contains less than 100 square feet.

16.3.8 Traffic Control Devices

- A. **Traffic Control Signs.** The installation of street signs, traffic control signs, and devices such as striping and signalization, shall be coordinated with the Department, and provided through payment of fees to the appropriate agency.
- B. **Street Name Signs.**
 - 1. The director shall determine the need and location of street signs within a subdivision.

2. The standard steel street posts or wooden four-inch by four-inch posts with horizontal reflectorized street name plates with four-inch letters shall be furnished and installed by the City.
- C. **Traffic Signals and Signs.** All traffic signals and signs shall conform to the Manual on Uniform Traffic Control Devices (no decorative traffic control devices will be allowed).

16.3.9 Traffic Calming Devices

- A. Traffic Calming Devices shall be compatible with standards outlined in the Georgia Department of Transportation and shall be recognized by the Institute of Transportation Engineers (ITE).
- B. Private streets shall be designed in accordance with the above so as to encourage and maintain maximum operating speeds of no more than 25 mph. The maximum length of roadway section between speed control points shall be 500 feet.
- C. A traffic-calming plan is subject to review and approval by the Public Works Department based, in part, on a warrant analysis based in accordance with the generally accepted standards of the Institute of Transportation Engineers (ITE).

16.3.10 Transitional Requirements

All established streets shall comply with the following general provisions:

A. Permanent dead-end streets.

1. 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.
2. Dead-end streets, designed to be such permanently, shall be provided at the closed end with a paved turnaround having an outside diameter of not less than 80 feet, and a right-of-way diameter of not less than 110 feet.
3. Dead-end streets, designed to be such permanently, that exceed more than 800 feet in length may be required to have a cul-de-sac for emergency vehicles, as approved by the Fire Marshal.

B. Temporary dead-end streets.

1. **Stub Street.** Stub streets, which are intended to provide access for future development within a tract of land or adjacent lands, shall be required to have a temporary turnaround area having a diameter of not less than 80 feet, consisting of six (6) inches of graded aggregate base.
2. Temporary dead-end streets which extend for a distance greater than 150 feet shall be provided with a temporary turnaround having a diameter of 80 feet. Said temporary turnaround shall be so constructed as to ensure a surface resistant to erosion and so drained as to prevent damage to abutting properties. Temporary dead-end streets of 150 feet or less shall be provided with an earth

barrier, fence, or similar physical barricade at the dead end. Provisions shall be made for the future extension of the streets and reversion of the excess right-of-way to the adjoining properties.

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

C. Additional paved surface width.

1. Any proposed development that includes a platted street containing a driving surface width of less than that required or deficient based on construction, material, or facility standards (e.g.: a lack of sidewalks) by this UDC shall provide for the improvement of said street so that the minimum standards required by this Article are improved by the developer along the full length of the subject property frontage. If the proposed subdivision abuts only one side of said street, then a minimum of half of the required extra surface shall be provided by the developer.

16.4 Drainage Standards for Streets

16.4.1 General

- A. 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.
 1. Stormwater shall be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel.
 2. 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 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 the GSMM standards.
- D. Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping), shall be designed for the 25-year storm.
- E. Road culverts, which carry live streams, shall be RCP and off-site drainage shall be designed for the 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 90 degree angle with the roadway centerline. Where a slight skew is necessary, the pipe shall be placed within an 80 to 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.
- H. 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.

16.4.2 Minimum Design Standards

- A. All of the materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyance facility construction shall conform to GDOT standards.
- B. 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).
- C. For roads constructed with public funds, either wholly or in part, or roads classified as major thoroughfares, materials which meet the GDOT design standards shall be used unless an alternative is specifically approved by the City.
- D. Only reinforced concrete pipe (RCP) shall be used for all dams nine (9) feet or more in height with an impounding capacity of 20 acre-feet or more unless the Georgia Safe Dams Program requires another material.
- E. Reinforced concrete pipe (RCP) shall be used under non-local roads when the ADT is greater than 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 15,000 vpd.
- F. The Department may approve an alternative pipe material with the recommendation of an engineer registered in the State of Georgia.

16.4.3 Pipe and Pipe Coating Requirements

A. Pipe Standards.

1. Reinforced Concrete Pipe (RCP).

- a. Reinforced concrete pipe shall be in no less than eight (8) foot joint lengths.
- b. All joints shall be bell and spigot type, with a rubber gasket conforming to ASTM C-443.
- c. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76.
- d. 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.

- a. Pipe coating shall comply with AASHTO M-274.
- b. Pipe fabrication shall comply with AASHTO M-36.
- c. Pipe material and fabrication shall comply with AASHTO M-196.

3. Smooth Interior Corrugated Polyethylene Pipe.

- a. 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.
 - b. This pipe shall conform to the requirements of AASHTO M-294, Type S.
 - c. 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.
 - d. Installation shall be in accordance with ASTM Recommended Practice D2321, AASHTO Section 30, or as specified by the City.
 - e. 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
4. The Department 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.
5. 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.
6. 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
7. Table 16.4.3, Pipe Installation Standards indicate which pipe is permitted within the City based on installation type.

Table 16.4.3 – Pipe Installation Standards

	Pipe Type
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Installation Type		RCP	Aluminized Type 2 Steel	Polymer Precoat Steel	Aluminum Alloy	Corrugated Polyethylene	Smooth-Lined High Density Polyethylene Type "S"
	Longitudinal	P	P	P	P	--	P
	Cross Drains >15,000 ADT ¹	P	--	--	--	--	--
	Cross Drains <15,000 ADT ¹	P	--	--	--	--	--
	Cross Drains <15,000 (local roads) ¹	P	--	P	P	--	--
	Cross Drains<15,00 0 (local roads) ²	--	--	P	P	--	P
	Lateral Systems	P	P	P	P	--	P
	Slope Drain	--	P	P	P	--	P
	Perforated Underdrain	--	P	P	P	P	P
	Dams	P	--	--	--	--	--
	Perennial Streams	P	--	--	--	--	P
"P" = Permitted "--" = Not Permitted 1 = Cross drain less than 10% slope 2 = Cross drain over 10% slope							

8. Minimum Standards

- The minimum allowable design velocity for all pipe types, except for Corrugated Polyethylene, is 2.5 fps.
- The maximum allowable design velocity for all pipe types is 15 fps, except for Aluminized Type 2 Steel which is 5 fps. Corrugated Polyethylene has no maximum design velocity.

- c. Aluminized Type 2 Steel requires a minimum soil PH/resistivity of 6/1500 ohm/cm.
- d. Polymer Precoat Steel requires a minimum of soil PH/resistivity of 5/1500 ohm/cm.

B. **Structural Plate Drainage Structures.** 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.

16.4.4 Pipe Installation

A. **Installation Standards.**

1. 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 GDOT specifications.
2. 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 percent (5%) deflection.
3. 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.

B. **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 three-quarters (0.75) inch). Geotextiles or geogrids may also be required by the City in problem areas.

C. **Backfilling.**

1. 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 12 inches above the pipe crown.
2. 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 (0.25) of the pipe diameter.

3. Foundation backfill material shall be used for RCP above one-quarter (0.25) of the pipe diameter (if graded aggregate base is not used above the one-quarter (0.25) of the pipe diameter) as per Type I or Type II GDOT standards.
4. These materials shall be placed in layers of no more than six (6) inches loose.
5. 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 95% maximum density, tested using the AASHTO Method T-99.
 - b. **In Other Areas.** Backfill in all other areas shall be compacted to 90% 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.

16.4.5 End Finish

- A. 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 35 miles per hour and over.
- B. 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.
- C. 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.

16.4.6 Junction Boxes and Catch Basins

Junction boxes and catch basins shall have metal manhole frames and lids for access.

16.4.7 Other Structures.

Natural bottom arches and box culverts may be used in accordance with GDOT standards. Bottomless culverts shall require that a scour analysis be done by a registered professional engineer to ensure the soundness of the proposed structure.

16.5 Bicycle Facilities Construction Standards

A. On-Street Bicycle Facilities.

1. Conventional painted bike lanes are required on both sides of local streets with posted speed limits of 35 miles per hour or less, subject to review and approval by the Public Works Department. They shall be a minimum five (5) foot wide and have painted markings indicating the right-of-way width aside for dedicated bicyclist use.
2. Painted sharrow markings are required on both sides of local streets with posted speed limits of 25 miles per hour or less, subject to review and approval by the Public Works Department.
3. All bicycle facilities shall comply with the latest published standards in the AASHTO Guide for Development of Bicycle Facilities, as amended.

B. Off-Street Bicycle Facilities.

1. Multi-use sidepaths are required on both sides of collector and arterial streets, subject to review and approval by the Public Works Department.

C. Multi-Use Sidepaths. Multi-use sidepaths shall be a minimum width of ten (10) foot clear zone. A planted landscape zone of a minimum of six (6) feet wide from the back of curb shall separate the multi-use sidepath from the vehicle travel lane. Where feasible, the multi-use sidepath shall not be built in a straight line. *See Figure 16.5.C – Multi-Use Sidepath Cross Section.*

1. The Community Director may reduce the sidepath to eight (8) feet, if the applicant demonstrates that there are topographic extremes, environmental restrictions (e.g., stream buffers, wetlands), or severe utility conflicts.
2. All bicycle facilities shall comply with the latest published standards in the AASHTO Guide for Development of Bicycle Facilities, as amended.

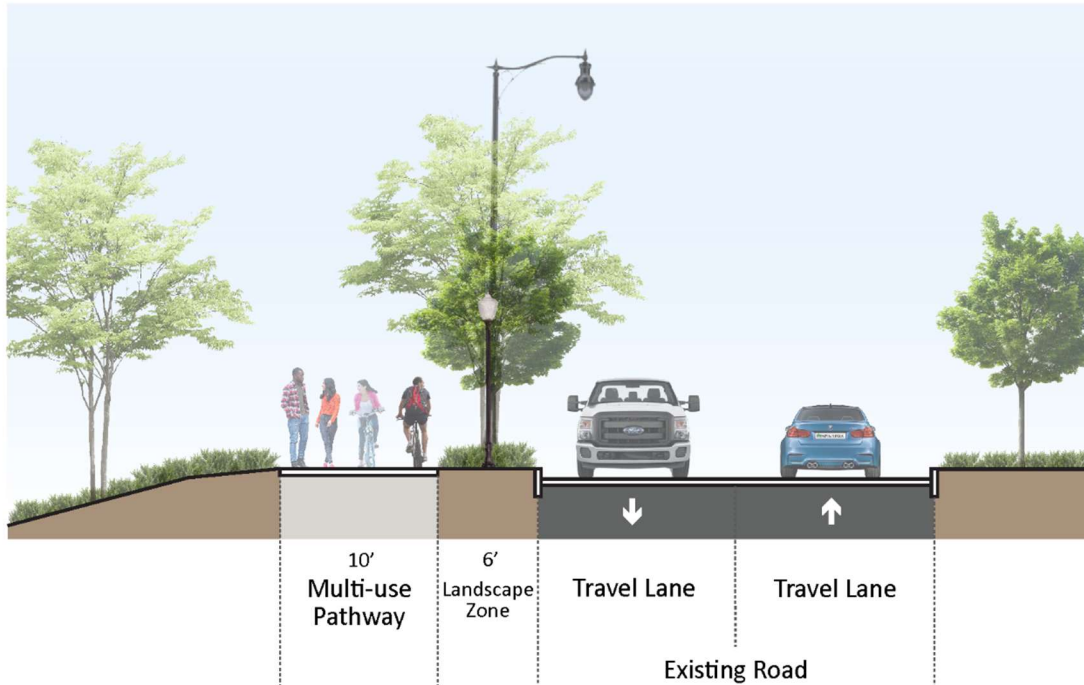


Figure 16.5.C – Multi-Use Sidepath Cross Section

16.6 Sidewalk Construction Standards

A. General.

1. Sidewalks shall form a logical, safe and convenient system for pedestrian or bike access to all dwelling units and other buildings, properties, and facilities.
2. Sidewalks shall be so located and safeguarded as to minimize contacts with automotive traffic.
3. Sidewalks that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.
4. Minimum standards required by this Section are improved by the developer along the full length of the subject property frontage for existing streets and along the full extent for any new streets created.
5. During a transportation improvement project, sidewalks must be installed or brought into compliance with these standards.
6. 12 months from the completion of at least 90% 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 via a lien placed on the adjacent property upon which the sidewalk fronts.

7. After the maintenance period has expired, any broken curbing and sidewalk will be repaired by the builder before a Certificate of Occupancy/Completion is issued.
- B. **Sidewalk Construction Standards.** When required by this UDC, sidewalks and curb ramps shall be constructed in all new development or redevelopment along all abutting or internal streets, existing or new, private or public.
1. **Sidewalk Installation and Timing.**
 - a. Required sidewalks shall be installed prior to the issuance of a Certificate of Occupancy/Completion.
 - b. 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 maintenance period.
 2. **Minimum Width.**
 - a. Sidewalks shall have a minimum width of five (5) feet clear zone along all roads within residential subdivisions and in residentially zoned or used areas. A planted landscape zone of a minimum of two (2) feet wide from the back of curb shall separate the sidewalk from the vehicle travel lane. *See Figure 16.6.B.2.a – Sidewalk Cross Section 1.*
 - b. Sidewalks shall have a minimum width of eight (8) feet clear zone in all non-residential, mixed-use development areas, and along the frontage of the road a residential subdivision entrance is located on. A planted landscape zone of a minimum of five (5) feet wide from the back of curb shall separate the sidewalk from the vehicle travel lane. *See Figure 16.6.B.2.b – Sidewalk Cross Section 2.*

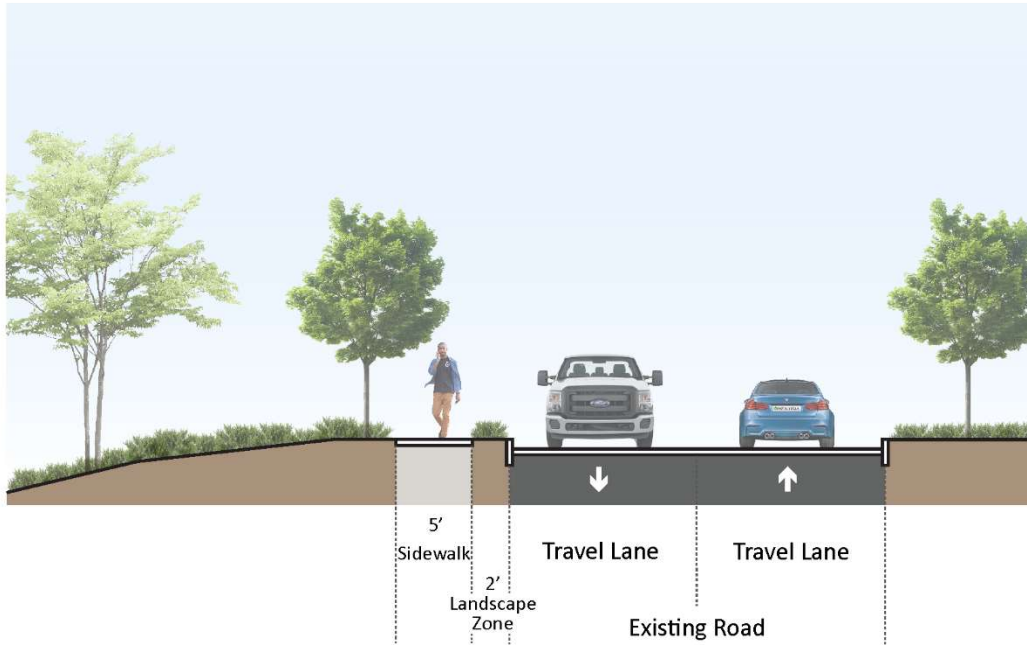


Figure 16.6.B.2.a – Sidewalk Cross Section 1

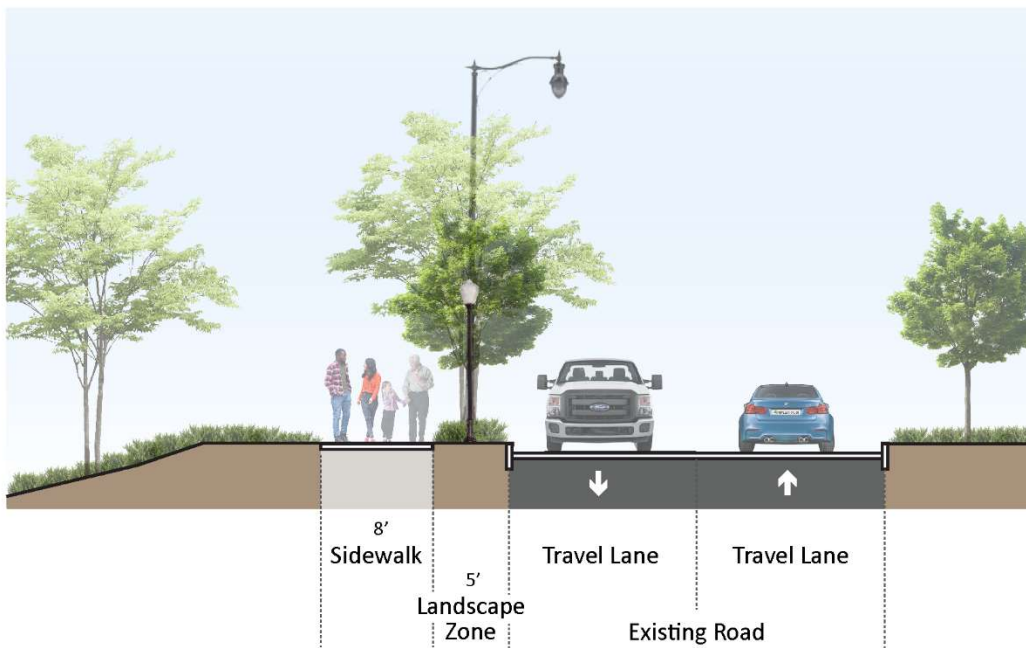


Figure 16.6.B.2.b – Sidewalk Cross Section 2

- c. Multi-use sidepaths are required on both sides of collector and arterial streets in accordance with this section, and with Section 16.6, Bicycle Facilities Construction Standards.

Table 16.6 - Minimum Sidewalk Widths				
	Local Streets (Residential)¹	Local Streets (Non-Residential)²	Collector	Arterial
Landscape zone (minimum in feet)	2'	5'	6'	6'
Sidewalk clear zone (minimum in feet)	5'	8'	N/A	N/A
Multi-use sidepath clear zone (minimum in feet)	N/A	N/A	10'	10'
1 = The landscape zone and sidewalk clear zone is applicable to all roads within residential subdivisions and in residentially zoned or used areas. 2 = The landscape zone and sidewalk clear zone is applicable along the entire frontage of the road in which a residential subdivision entrance is located on.				

3. Sidewalks shall be at least four (4) inches in thickness and shall be constructed of Portland cement concrete.
4. 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.
5. Sidewalks and curbs, at street intersections, shall be designed to permit handicapped access.
6. Intersection radius curb ramps shall be provided at street intersections. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks.

16.7 Trail Construction Standards

- A. **Purpose.** The purpose of this Section is to implement bikeways, multi-use sidepaths, greenways, or other public facilities contained in Master Trails Plans, LCI studies, and the Comprehensive Plan.
- B. **Connections to Public Facilities.** Where a new development or redevelopment adjoins an existing public bikeway, multi-use sidepath, greenway, or other public facility, the development shall provide a connection to such facilities. Where public facilities are incomplete but part of an adopted plan, such connections shall be installed by the developer.
- C. **Installation.**

1. The width of the public facility shall be as depicted and shown on adopted plans. Adopted plans include but are not limited to the Stockbridge Strategic Implementation and Master Plan for Trails, the Comprehensive Plan, LCI plans, and the Henry County Trail Plan.
2. A trail easement shall be required and approved by the Director of Community Development and the Public Works Department. Trail easements shall be recorded on all final plats.
3. Trails shall be at least five (5) inches in thickness and shall be constructed of Portland cement concrete.
4. A two (2) foot minimum clear zone shall be provided on both sides of a trail. These clear zones shall be seeded.
5. A ten (10) foot minimum vertical clearance shall be provided from the trail surface.
6. The entire length of the paved trail shall include a four (4) inch wide, alternating yellow centerline strip and stop markings when approaching intersections.

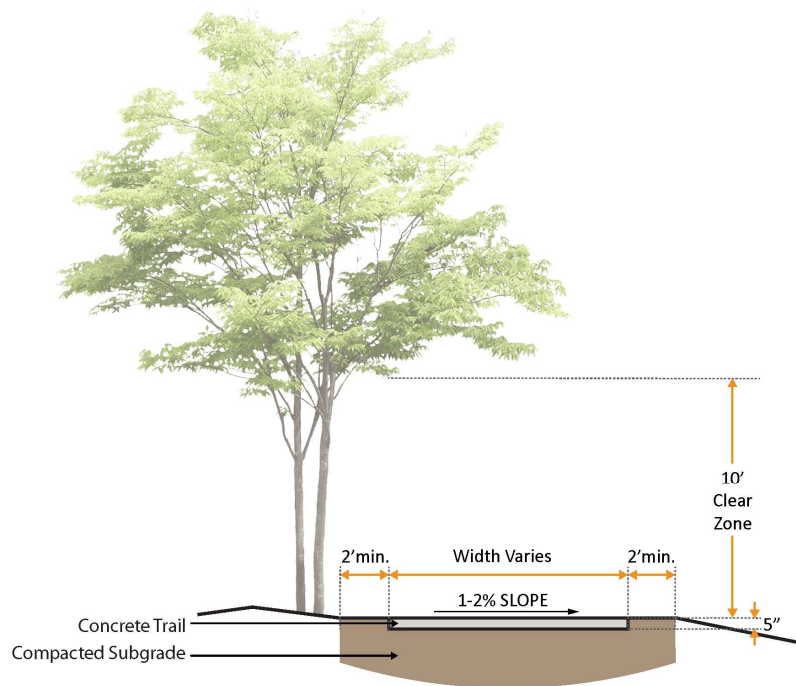


Figure 16.7.C - Trail Cross-Section

7. **Subgrade.** Subgrade shall be compacted to 95% standard proctor. Undercut and backfill may be required as determined by the Public Works Department.
8. **Intersections.** Trail intersection shall include signage, bollards, and pavement striping.

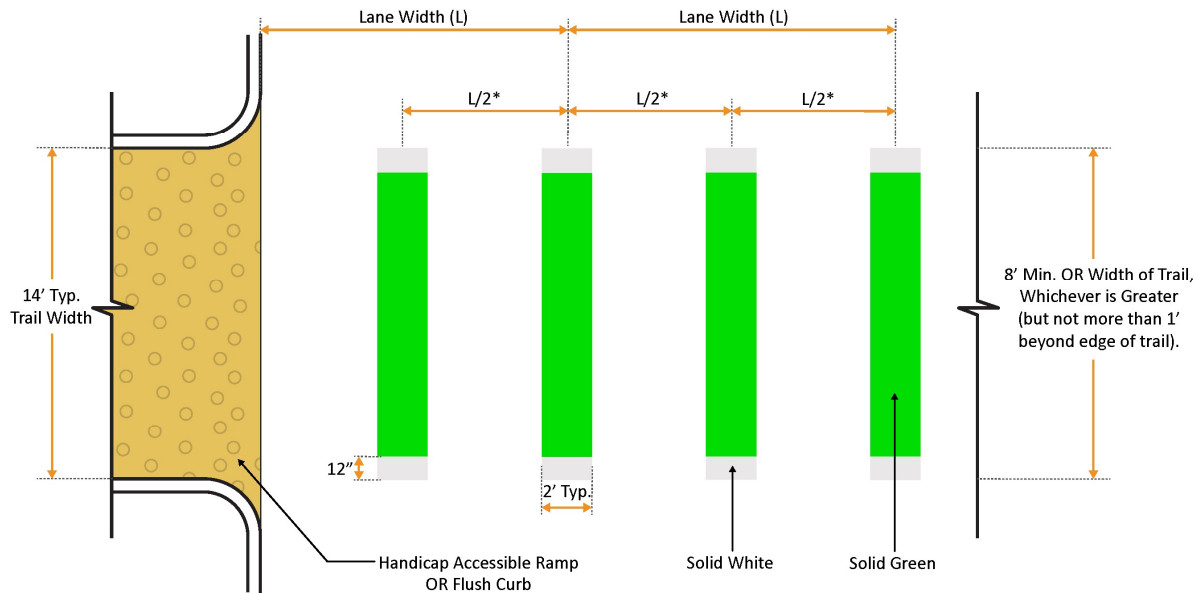
- i. A removable bollard shall be placed a minimum of 30' from the edge of the street and align with the alternating yellow centerline striping.
- ii. In addition to a removable bollard, a fixed bollard or fence post shall be on either side of the trail in line with the removable bollard.
- iii. All final locations shall be subject to review and approval by the Public Works Department.

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- This diagram illustrates the layout of a trail crossing an existing street. The trail, shown in green, runs across the street, which is shown in light blue. Key features and dimensions include:
- Trail Regulatory Sign:** A wooden signpost with a white sign, located on the trail side of the street.
 - Fixed Bollard:** A yellow and black striped bollard located on the trail side of the street.
 - Removable Bollard:** A yellow and black striped bollard located on the street side of the trail.
 - STOP Sign:** A white sign with the word "STOP" in black letters, located on the trail side of the street.
 - Dimensions:**
 - 7' (Trail width)
 - 23" (Trail width at crossing)
 - 6" (Trail width at crossing)
 - 5' (Trail width at crossing)
 - 3' (Trail width at crossing)
 - EQ. (Equal distance)
 - 2' (Trail width at crossing)
 - 30' Min. (Minimum distance from crossing to next crossing)
 - 6" (Trail width at crossing)
 - 2' (Trail width at crossing)
 - Other Features:**
 - Detectable Warning Surface
 - Trail
 - Crosswalk Striping
 - Existing Street
 - Yellow Diamond Striping

Figure 16.7.C.8 - Trail Intersection and Bollard

a. **Marked Striping.** If a trail crossing is required in a development, the development shall provide marked crosswalks. All color pavement

markings shall be anti-skid with clean cut edges and conform to GDTO standard specifications for installation and finish.



*Use 5' for (L/2) when lane width exceeds 12', OR where lane lines have been omitted.

Figure 16.7.C.9 - Marked Crossing

- b. **Crossing Island.** A crossing island shall be required for mid-block pedestrian crossings, on roads with four or more travel lanes with posted speed limits of 35 miles per hour or more, or where AADT is 9,000 or higher. The crossing island shall be subject to review and approval by the Public Works Department.
- c. **Raised Crossings.** Raised crosswalks or raised intersections shall be installed based on determination by the Public Works Department.
- d. **Pedestrian Safety.** As determined by the Public Works Department, Pedestrian Hybrid Beacons (PHB) or Rapid Flashing Beacons (RRFB) shall be installed for intersection crossings.

16.8 Transportation Improvement Projects

- A. **Transportation Improvement Projects.** Every transportation improvement project shall include accommodations sufficient to enable reasonably safe travel along and across the right of way for all users, including non-automobile users as set for in Section 16.3, Streets, 16.5, Bicycle Facilities Construction Standards, and 16.6, Sidewalk Construction Standards; unless one or more of these conditions exist and is documented:
 - 1. Bicyclists or pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and

pedestrians elsewhere within the right-of-way or within the same transportation corridor.

B. Unpaved Road Improvement Projects.

1. 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 16.3, Streets, 16.5, Bicycle Facilities Construction Standards, and 16.6, Sidewalk Construction Standards along the frontage of the development to the nearest intersection with a paved City road.
2. The minimum right-of-way required according to Section 16.3, Streets shall be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved.
3. In addition to the design, construction, and right-of-way acquisition, the developer shall also be responsible for relocation of utilities.
4. 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.
5. In instances where improving a roadway to the limits of the frontage causes for an undesirable termination point for the improved roadway, such as alignment issues or topographic issues, the improvement may be required to be further extended to provide for an acceptable tie-in to the existing roadway.

- C. **Required Connections.** Where a new development or redevelopment adjoins a bikeway or pedestrian facility, the development shall provide a bikeway or pedestrian connection to such facilities. Where facilities are incomplete but part of an adopted plan, stub-outs for future linkages shall be provided by the development. A pedestrian connection, or stub-out for future linkages, shall be provided where a new development lies within half (0.5) a mile of a school or existing or planned transit route.

16.9 Streetlight and Pedestrian Light Requirements

16.9.1 General

- 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, as approved by the American National Standards Institute, as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the City.
- B. 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.

16.9.2 Street Light Requirements

- A. All streets and roadways shall include streetlights, 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 streetlights 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.
- C. 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. Pedestrian lights may be installed in addition to required streetlights but shall not be used to fully substitute or eliminate the requirement to install streetlights in accordance with this Section.
- D. All streetlights 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 Council.
- E. 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.
- F. **Lighting Plan.**
 - 1. A lighting plan, which may be prepared by the streetlight provider, shall be provided to the Department 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.
 - 2. **Contents.** The plan shall:
 - a. Include security lights of all kinds and nature;
 - b. Shall illustrate the illumination provided by pedestrian lights; and
 - c. Drawings showing the exact location of proposed streetlights.
 - 3. Lighting plans shall be submitted with the final plat and any additions.
 - 4. No lighting shall be installed or operated without approval of the Department.

16.9.2 New Development Requirements

- A. All new development, including residential subdivisions, multi-family developments, commercial developments, mixed-use developments, industrial developments, and any development involving the construction of new public or private streets, shall install streetlights in accordance with this Section. The developer of shall install all streetlights and pedestrian lights with underground wiring.

- B. 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.
- C. 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 be issued for the purpose of enforcing the lien, including foreclosure and/or judicial sale.

16.9.3 Existing Development Requirements

- A. 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.
- B. The application shall be supported by a petition signed by property owners representing more than 51% of the property owners in the district which is sought to be established.
- C. 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.
- D. Up to three (3) additional streetlights or pedestrian lights may be added to an existing streetlight district, as approved by the City.

16.10 Drinking Water Conservation Requirements

16.10.1 Purpose

It is the purpose of this Section 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.

16.10.2 Fixture Specifications and Installation Standards

- A. No plumbing fixture shall be installed which does not meet the standards listed in this UDC. 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 nonconforming cases:
- B. All plumbing fixtures installed as referred to above should not exceed the following maximum water use rates:
 - 1. Toilets: One and six-tenths (1.6) gallons per flush;
 - 2. Urinals: One (1) gallon per flush;

3. Showerheads: Two and one-half (2.5) gallons per minute;
 4. Kitchen faucets: Two and one-half (2.5) gallons per minute; and
 5. Bathroom and lavatory faucets: Two (2) gallons per minute.
- C. 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 as stated in this Section.
- D. 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 as listed in this Section.

16.10.3 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 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.

16.10.4 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 Public Works Department.

CHAPTER 17: STORMWATER MANAGEMENT

17.1 Purpose and Intent

- A. 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.

- B. 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. This Chapter seeks to meet that purpose through the following objectives:

1. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
2. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and to preserve and/or restore natural hydrologic conditions on development sites;
4. Establish design and application criteria for the construction and use of structural stormwater control facilities that meet the minimum post-development stormwater management standards;
5. Encourage the use of nonstructural stormwater management and stormwater better site design practices, peak rate and/or runoff reduction, and the preservation of greenspace and other conservation areas, by establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
6. Establish provisions for the long-term responsibility of operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment;

7. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term compliance; and
8. Preserve the natural drainage and natural treatment systems and reduce the additional stormwater runoff and pollutants;
9. Protect public health and safety by reducing the risk of localized flooding and reducing the amount of runoff entering streets.

17.2 Applicability and General Standards

- A. This Section is applicable to all land development, including, but not limited to, site plan applications, development permits, subdivision applications, and grading applications, unless exempt pursuant to Section 17.2,C, Exemptions.
- B. **New Development and Redevelopment Sites.** These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 1. 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 including projects of less than one (1) acre if they are part of a larger common plan of development or sale;
 2. Any redevelopment of a previously developed site that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one (1) acre or more, including projects of less than one (1) acre if they are part of a larger common plan of development or sale.
 3. Any new development or redevelopment, regardless of size, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules or that is defined by the Director to be a hotspot land use; and
 4. Linear transportation projects that exceed the threshold in “1” and “2” above.
- C. **Exemptions.** The following activities are exempt from the requirements of this Chapter.
 1. 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;
 2. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
 3. Land disturbing activity conducted by local, State, authority, or Federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;

4. Repairs to any stormwater management system deemed necessary by the Director;
 5. 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 Subsection 17.2, B, New Development and Redevelopment Sites;
 6. 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 Subsection 17.2, B, New Development and Redevelopment Sites;
 7. 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
 8. Linear transportation projects being constructed by the City of Stockbridge, other local governments, or State agencies to the extent the Director 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 Director that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the Director.
- D. **Designation of Administrator.** The Director is hereby appointed to administer and implement the provisions of this Chapter.
- E. **Compatibility with Other Regulations.** This Chapter is not intended to modify or repeal any other chapter, rule, regulation or other provision of law. The requirements of this Section are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other chapter, 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.

17.3 Stormwater Design Manual

The City of Stockbridge will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda for the proper implementation of the requirements of this Chapter.

17.4 Permit Application

17.4.1 Permit Application Requirements

- A. No owner or developer shall perform any land development activities without first meeting the requirements of this Section prior to commencing the proposed activity.
- B. Unless specifically exempted by this Section, any owner or developer proposing a land development activity shall submit to the Department a permit application on a form provided by the City for that purpose.
- C. Unless otherwise exempted by this Section, a permit application is accompanied by the following items in order to be considered:
 - 1. Stormwater management plan in accordance with Section 17.6, Stormwater Management Plan;
 - 2. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy;
 - 3. Inspection and maintenance agreement in accordance with Section 17.6, Stormwater Management Plan, if applicable; and
 - 4. Permit application and plan review fees in accordance with Section 17.4.3, Application Review Fees.
- D. The approved stormwater management plan shall obligate the responsible party to accomplish all land clearing, construction, development, and drainage in accordance with the Stormwater Management Plan. Any and all permits for development activities may be revoked at any time if the construction of stormwater management facilities is not conducted in substantial conformity with approved plans.
- E. The applicant or responsible party shall obtain all state and federal permits required for the proposed development activity in addition to the plans and permits required by the City.
- F. Upon completion of the project the applicant or responsible party shall submit the engineer-of-record's certification and as-built plan that includes the global positioning system coordinates of the stormwater management facilities. If the as-built plan differs substantially from the approved plan but is still acceptable to City, then the applicant or responsible party shall update the recorded inspection and maintenance agreement upon approval by the City.

17.4.2 Application Procedure

- A. Applications for development permits are filed with the Department.

- B. Permit applications shall include the items set forth in Section 17.4.1, Permit Application Requirements. Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included as part of the application submittal.
- C. The Department shall inform the applicant whether the application, stormwater management plan, and inspection and maintenance agreement are approved or disapproved.
- D. If the permit application, stormwater management plan, or inspection and maintenance agreement is disapproved, the Department 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. All provisions of this Section shall apply to such resubmittal.
- E. Upon a finding by the Department that the permit application, stormwater management plan, and inspection and maintenance agreement, if applicable, meet the requirements of this Section, the Department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person is subject to the following requirements:
 - 1. The applicant shall comply with all applicable requirements of the approved plan and this Section and shall certify that all land clearing, construction, land development, and drainage will be done according to the approved plan;
 - 2. The land development project is conducted only within the area specified in the approved plan;
 - 3. The Department is allowed to conduct periodic inspections of the project;
 - 4. No changes may be made to an approved plan without review and written approval by the Department; and
 - 5. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 17.7, Performance Criteria.

17.4.3 Application Review Fees

The fee for the 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.

17.5 Stormwater Concept Plan

- A. **Discussion of post-development stormwater management.** 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. **Information to be submitted.** To accomplish this goal, the following information is included in the concept plan that is submitted in advance of the meeting:
1. **Existing Conditions/Proposed site plans.** Existing conditions and proposed site layout sketch plans which illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces; and Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;
 2. **Natural Resources Inventory.** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the 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.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
 3. **Stormwater Management System Concept Plan.** A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as

applicable); relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans and any relevant resource protection plans will be consulted in the discussion of the concept plan.

4. 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).

17.6 Stormwater Management Plan

- A. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Section, including the performance criteria set forth in Section 17.7, Performance Criteria.
- B. This plan is in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a design professional licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the current Georgia Stormwater Management Manual edition and the City's submittal requirements for commercial and single-family residential development.
- C. **Responsibility.** Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements are made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site the person to be permanently responsible for its inspection and maintenance.

17.6.1 Submittal Requirements

The stormwater management plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the applicable design requirements and forms found in the Georgia Stormwater Management Manual and the City's submittal requirement for commercial and single-family residential development. This includes but is not limited to:

- A. Common address and legal description of the site.
- B. Vicinity map.
- C. Stormwater Concept Plan.

- D. **Existing conditions and proposed site plans.** Existing conditions and proposed site layout plans which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, building parking area and other impervious surfaces.
- E. **Infiltration rates.** Infiltration rates shall be determined by soil surveys, on-site soil analysis, or a percolation test. If the site has been previously developed or graded or contains urban soil types, a percolation test is required.
- F. **Natural resources inventory.** A written or graphic inventory of the natural resources in existence prior to the commencement of the project. This inventory shall address resources both on the site and in the surrounding area that are or may be impacted by the project. This inventory shall also include a description of the soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural features protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks, including but not limited to drinking water well setbacks and septic setbacks. Particular attention should be paid to environmentally sensitive features that present constraints for development.
- G. **Existing conditions hydrologic analysis.** The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities in accordance with the current Georgia Stormwater Management Manual, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, pre-development conditions are modeled using guidelines established by the Director for the portion of the site undergoing land development activities.
- H. **Post development hydrologic analysis.** The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff

volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in with Section 17.7, Performance Criteria; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50% of the site area for the entire site, then the performance criteria in with Section 17.7, Performance Criteria must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities shall be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces shall be made based on maximum allowable lot coverage in accordance with this UDC when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots, which must be reflected accordingly on the final plat.

- I. **Stormwater management system.** The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 17.7, Performance Criteria; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans or similar protection area plans.

- J. **Post development downstream analysis.** A downstream peak flow analysis is required, which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. 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. 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. analysis must be in accordance with the stormwater design manual.
- K. **Construction-phase erosion and sedimentation control plan.** An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 (O.C.G.A. § 12-7-1 et seq.) or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls. Prior to the approval of the stormwater management plan, the applicant or responsible party shall submit a proposed staged construction and inspection control schedule for approval; otherwise, the construction and inspection control schedule will be for the entire drainage system. No stage work related to the construction of stormwater management facilities or BMPs shall proceed until the next proceeding stage of work, according to the sequence specified in the approved stage construction and inspection control schedule, as inspected and approved. Runoff reduction and water quality measures shall be installed in the final phase of construction to prevent clogging.
- L. **BMP landscaping plan.** A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- M. **Operations and maintenance plan.** Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure

their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include a narrative describing how the stormwater management system is designed to function, including capture, runoff control, water quality treatment, channel and flood protection, and ongoing operations and maintenance procedures for all stormwater management facilities and practices shown on the stormwater management site plan. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures are included in the plan.

- N. **Maintenance access easements.** The applicant must ensure access from right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and shall remain in effect even with the transfer of title of the property.
- O. **Inspection and maintenance agreements.** Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice.
1. The inspection and maintenance agreement shall identify by name or official title the person responsible for carrying out the inspection and maintenance (see also Section, 17.9.3, Responsibility).
 2. 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 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 30 days' notice, constitute a failure to maintain the stormwater management facility or practice.
- P. **Evidence of acquisition of applicable local and non-local permits.** The applicant shall certify and provide documentation to the Department that all other applicable

environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Q. Determination of infeasibility (if applicable).

17.6.2 Modifications for Off-Site Facilities

- A. The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures are implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- B. A stormwater management plan shall be submitted to the Department that shows the adequacy of the off-site or regional facility.
- C. To be eligible for a modification, the applicant shall demonstrate to the satisfaction of the Director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - 1. Increased threat of flood damage to public health, life, and property;
 - 2. Deterioration of existing culverts, bridges, dams, and other structures;
 - 3. Accelerated stream bank or streambed erosion or siltation;
 - 4. Degradation of in-stream biological functions or habitat; or
 - 5. Water quality impairment in violation of the state water quality standards, and/or violation of any state or federal regulations.

17.7 Performance Criteria

- A. For new developments, the following performance criteria shall be applied to the area of the site impacted by the proposed work. For redevelopment, the following performance criteria shall be applied to the area of the site impacted by the proposed work, provided that the impacted area does not exceed 35% of the previously developed area. If the impacted area exceeds 35% of the previously developed area, the following performance criteria shall be applied to the entire development, including previously developed area:

1. **Green Infrastructure/Low Impact Development.** To promote the use of Green Infrastructure, hereafter indicated as “GI”, or Low Impact Development, hereafter indicated as “LID”, techniques, where feasible, the City will allow the use of all GI/LID structures, better site planning techniques, and better site design techniques that are included in the GSMM. Table 17.7.A.1, Summary of Potential GI/LID Structures provides a summary of structures categorized as GI/LID.
 - a. The use of GI/LIDs for achieving Runoff Reduction may be waived for sites with infiltration rates less than or equal to 0.5 inches/hour. Infiltration rates must be certified by a professional engineer or professional geologist. Testing should be conducted per the GSMM.

<u>Table 17.7.A.1 – Summary of Potential GI/LID Structures</u>			
BMP Type	Description	Appropriate Setting	Benefits
Bioretention Basins	Shallow stormwater basins or landscaped areas that utilize engineered soils and vegetation to capture and treat stormwater runoff.	Upland	Supports ground water recharge, pollutant, and runoff detention
Rain Gardens	Smaller bioretention areas designed to treat runoff from small areas	Upland	Supports groundwater recharge, treats multiple pollutants, and provides shade, windbreaks, and absorb noise.
Enhanced Dry Swale	Vegetated open channels that are designed and constructed to capture and treat stormwater runoff within dry or wet cells formed by check dams or other structures. Types include a dry conveyance swale and a dry treatment swale.	Upland	Provides partial infiltration of runoff in pervious soils, reduces thermal effects of impervious surfaces, and provides a habitat for wildlife species.

Enhanced Wet Swale	Vegetated open channels that are designed and constructed to capture and treat stormwater runoff within dry or wet cells formed by check dams or other structures. Wet swales are a cross between a wetland a swale.	Upland	
Grass Channel	Vegetated open channels that provide biofiltering of stormwater runoff as it flows across the grass surface.	Sitewide	Reduces flooding, encourages settling on the channel floor, and promotes infiltration.
Vegetated Filter Strip	Land areas with indigenous	Upland	Supports groundwater recharge, allows for flexibility in design and layout, and adaptable to a variety of site conditions.
Infiltration Practices	A shallow excavation, typically filled with stone or engineered soil mix, which is designed to temporarily hold stormwater runoff until it infiltrates into the surrounding soils.	Upland	Supports groundwater recharge, helps restore pre-development hydrology, and appropriate for small sites with porous sites.
Permeable Pavers	A pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf.	Upland	Provides water quality treatment and compatible with retrofitting existing developed areas.
Downspout Disconnection	Diverts water from flowing over an impervious area to a pervious area	Parcel specific	Restores pre-development hydrology on development sites, supports

			groundwater recharge, and increase water quality.
Rainwater Harvesting	Intercepts, diverts, and stores stormwater runoff for later use	Upland/ Sitewide	Supports restoring pre-development hydrology and reduces post-construction runoff rates, volumes, and pollutant loads.
Green Roofs	Alternative to traditional impervious roof surfaces	Upland/ Sitewide	Well-suited for use on urban development and redevelopment sites, supports wildlife habitat, and reduces urban heat island effect.
Site Reforestation/ Revegetation	Planting trees and other native vegetation in disturbed pervious areas to restore them to their pre-development conditions	Parcel specific	Reduces the amount of runoff, improves the infiltration capacity of soils, and provides a habitat for plant and animal species.

2. **Water Quality/Runoff Reduction.** All stormwater runoff generated from a site shall provide runoff reduction of the first 1.2 inches of rainfall or shall be adequately treated for water quality before discharge. It will be presumed that a stormwater management system complies with this requirement if it satisfies the stormwater reduction criteria in this Section. However if any of the stormwater runoff volume generated by the first 1.2 inches of rainfall cannot be reduced or retained on site due to constraints such as a high water table, rock, low infiltration rates or the presence of a hotspot, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent (80%) reduction in total suspended solids loads in accordance with the following criteria:

- a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained

according to the specific criteria in the Georgia Stormwater Management Manual or constitutes an alternative practice responsibly designed and documented by the design professional to reproduce the intent of the Georgia Stormwater Management Manual; and

- c. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices, and pollution prevention practices.

3. **Stream Channel Protection.** Protection of stream channels from bank and bed erosion and degradation is provided by using all of the following three (3) approaches:

- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event; and
- c. Erosion prevention measures such as energy dissipation and velocity control.
- d. **Exemptions.**
 - i. For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, stream channel protection is not required.
 - ii. Only approach “b” may be waived for sites that discharge directly through piped stormwater drainage systems into larger streams, rivers, wetlands, lakes, estuaries, tidal waters, or other situations where the reduction in smaller flows will not have an impact on stream bank or channel integrity.

4. **Overbank Flooding Protection.**

- a. Downstream overbank flood and property protection is provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (a) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided. For redevelopment projects overbank flood and property

protection shall be provided by reducing the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the following formula:

i. $\%PIC/2 = \%PDRR$

1. PIC = Pre-development Impervious Cover

2. PDRR = Peak Discharge Rate Reduction

- b. For sites where previous demolition has removed impervious surfaces, pre-development peak discharge rate calculations and percentage of impervious coverage shall be calculated based on pre-demolition conditions. For sites that have been demolished and have remained fallow and stabilized with vegetation for a minimum of five (5) years, they shall be considered as having pre-development conditions of 20 percent impervious cover for purposes of calculating peak discharge rate reduction.
- c. For land development permitted after 2005 and served by appropriate stormwater management facilities, subsequent redevelopment of the same area is not required to further reduce the peak discharge rate, provided that the site continues to meet the reduction previously achieved.
- d. **Exemption.** For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, overbank flooding protection is not required.

5. **Extreme Flooding Protection.**

- a. Extreme flood and public safety protection is provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- b. **Exemption.** For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this Section, extreme flooding protection is not required.

6. **Structural Stormwater Controls.** All structural stormwater management facilities are selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural

stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased non-point source pollution loads created on the site in question. Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

7. **Stormwater Credits for Nonstructural Measures.** The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 17.7.A.2, Water Quality/Runoff Reduction. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identifies the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.
8. **Drainage System Guidelines.** Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of right-of-way and private properties adjoining project sites and/or rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - a. Methods to calculate stormwater flows are in accordance with the stormwater design manual;
 - b. All culverts, pipe systems and open channel flow systems are sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and;

- c. Design and construction of stormwater conveyance facilities are in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

9. **Dam Design Guidelines.** Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and rules for dam safety, as applicable.

B. **As-Built.** All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the Department is required before the release of any performance securities can occur.

C. **Long-Term Maintenance Inspection of Stormwater Facilities and Practices.**

1. The absence of an inspection and maintenance agreement shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater management facility. If the owner or responsible party fails or refuses to meet the requirements of this Section, the City may correct the violation at the owner's expense.
2. For facilities constructed prior to the effective date of this Section the owner or responsible party shall perform proper maintenance of the stormwater maintenance facility as required by the indemnification agreement. If the owner or responsible party fails or refuses to meet the requirements of this Section, the City may correct the violation at the owner's expense.
3. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Section.
4. A stormwater management facility or practice is inspected on a periodic basis by the person responsible in accordance with the approved inspection and maintenance agreement or in the absence of an inspection and maintenance agreement, in accordance with the requirements of this Section. If the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department shall notify the person responsible for carrying out the maintenance plan who is specified in the inspection and maintenance agreement by registered or certified mail. The notice shall specify the measures needed to comply with the agreement and the

plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the person responsible fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in this Section.

5. An annual inspection shall be performed and attested to by a professional engineer with results reported to the City. Any deficiencies noted in either operation or maintenance of the facility must be included in the report along with the proposed remedies required and a timetable for their implementation. If substantial deficiencies are found, a follow-up inspection to confirm correction of said deficiencies shall be performed and reported to the City.

- D. **Records of Maintenance Activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Department.

17.8 Stormwater Management Design Requirements

- A. Stormwater management requirements may be satisfied through individual on-site stormwater management facilities, including wet ponds, dry detention ponds, or other BMPs designed in accordance with the GSMM, subject to approval by the City Engineer. Where a regional stormwater facility has been designated in an approved watershed or master stormwater plan, the Director may require participation in such facility in lieu of or in addition to on-site controls.
- B. **Stormwater Management Screening.** Evergreen vegetative screening shall be provided with a minimum height of three (3) at the time of planting around the pond.
- C. **Stormwater Management Fencing.** When a detention structure is over four (4) feet 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.
 1. Fences shall be five (5) foot high chain link or other approved material with a ten (10) foot wide gate.
 2. Fences shall be located on the outside edge of the ten (10) foot perimeter easement.
 3. No fences may be built that would inhibit proper function of the drainage system.
- D. **Drainage Easements.** Drainage easements suitable for the construction and maintenance of the drainage system shall be provided, in compliance with the following provisions:

1. All subdivision lots shall have a ten (10) foot drainage easement along all side lot lines.
2. All stormwater management facilities shall be accessible from a street by a minimum 20-foot graveled easement, which easement shall also be available to the City.
3. All detention facilities shall have a ten (10) foot access easement around the outside perimeter of the facility.
4. No fences or planting of shrubbery shall be allowed on the access easement(s).
5. The easements shall be shown on the final plat.

17.9 Stormwater Management Utility

17.9.1 General

- 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.

17.9.2 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.

17.9.3 Responsibility

- A. The stormwater management utility shall be responsible for stormwater management throughout the corporate limits of the City. 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 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-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, then the City will act to maintain the facility or pond. The private party shall remain responsible for all costs incurred for that maintenance provided by the City.
 - 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 shall 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.

17.9.4 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.

17.9.5 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 stormwater 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 grouping according to the number of ERUs and parcel area. This method greatly simplified the computation of charges and reduces significantly the costs associated with individually unique parcel measurements.
 - 1. **Tier 1.** Include all parcels up to 10,000 square feet in size and are assessed one (1) ERU;
 - 2. **Tier 2.** Include all parcels greater than 10,000 square feet in size and are assessed two (2) ERUs.
- F. 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.
- G. Each single-family residential property shall be billed a stormwater service rate charge for the number of ERUs and the whole number of acres of parcel area.
- H. Tier 1 and Tier 2 parcels are assigned an acreage charge based on the actual acreage to the next whole integer.
- I. Properties classified as nonresidential shall be billed on the basis of the number of ERUs 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.
- J. The method of calculating the service rate charge for all properties shall be as follows:
$$\text{Parcel Fee} = (IR) \times (ERUs) + (AR) \times (AU) + (AF)$$

IR is the impervious area rate as established by this chapter or by amendment to this chapter. It is applied to the number of ERUs 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 (AUs) 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.
- K. 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.

- L. 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.
- M. The annual base rate charge AF per each billed account shall be three dollars and sixty-six cents (\$3.66) unless changed hereafter by ordinance.

17.9.6 Exemptions and Credits

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 qualify 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 100 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 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 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.

17.9.7 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.

17.9.8 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 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 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 by 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 state 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.
- 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, in accordance with Section 11.3, Appeals of Administrative Decisions. Such appeals must be made within 30 days of the decision of the City Manager and include a written basis for the appeal.
- 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 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.

17.9.10 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.

CHAPTER 18: GUARANTEES AND SURETIES

18.1 Generally

18.1.1 Surety Required

Before plat recordation, land development permit, building permit, or other project close-out, the Director shall certify that the developer/subdivider/applicant has obtained the necessary bonds, other sureties, and/ or agreements that ensure completion of all required public and private improvements on the subject property.

18.1.2 Sureties Accepted

Three types of guarantees and sureties shall be provided for as a part of the Final Plat approval and/or development permitting processes in accordance with the provisions herein:

- A. Performance guarantees.
- B. Maintenance guarantees.
- C. Maintenance agreements/inspections.

18.2 Performance Guarantees

18.2.1 Purpose

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed at the time a Final Plat or project closeout is desired. Instead of requiring the completion, installation, and dedication of any and all improvements prior to approval of a Final Plat or certificate of occupancy or certificate of completion, the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to complete all required improvements prior to the release of the performance guarantee.

18.2.2 Performance Guarantee Amounts

The performance guarantee shall be payable to the City of Stockbridge and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.

18.2.3 Duration

The duration of the performance guarantee shall be no longer than 12 months for all required improvements, except for roadway improvements, which shall have a duration of four (4) years. The duration for roadway guarantees may be extended beyond four (4) years at the discretion of the City. In all cases, guarantees may be released earlier if the associated improvements are accepted by the City prior to the expiration of the applicable duration.

18.2.4 Financial Security Renewals

- A. For roadway improvements, the initial financial security shall remain in effect for a period of one (1) year and may be renewed for up to three (3) additional one-year terms, not to exceed a total duration of four (4) years subject to conditions as specified

by the City. The developer shall be responsible for maintaining continuous and adequate financial security throughout the duration of the project.

- B. If, due to unforeseen circumstances, the City determines that an extension beyond four (4) years is warranted, such extension may be granted at the discretion of City. Prior to granting an extension beyond the four-year limit, the developer shall submit a current cost estimate for all remaining work to the City. The City shall review the submitted cost estimate and the remaining scope of work to verify that the existing financial security is sufficient to cover the cost of completing the improvements. If the City determines that the financial security is not adequate, the developer shall be required to provide an additional amount of financial security in a form acceptable to the City to ensure the full completion of the remaining improvements.

18.2.4 Forfeiture

Performance guarantee funds shall be forfeited if the required improvements are not completed and accepted by the City within 12 months, or in the case of roadway improvements, at the time of financial security renewal if the developer fails to renew the financial security prior to the completion and acceptance of the improvements.

18.3 Maintenance Guarantees

18.3.1 Purpose

Maintenance guarantees shall be allowed for all improvements to be publicly dedicated and/or maintained (e.g.: streets, sidewalks, landscaping) to guarantee the quality and ongoing performance of the installations. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

18.3.2 Maintenance Guarantees Amounts

The maintenance guarantee shall be payable to the City of Stockbridge and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.

18.3.3 Duration

The duration of the surety shall be for a period of 24 months following the date of approval of a Final Plat or final certificate of occupancy or certificate of completion.

18.3.4 Forfeiture

Maintenance Guarantees shall be forfeited if the improvement fails to be kept in good repair and condition prior to the release of the maintenance guarantee.

18.4 Maintenance Guarantees (Stormwater)

18.4.1 Purpose

Stormwater maintenance guarantees shall be provided for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

18.4.2 Maintenance Guarantee for Stormwater Facilities Amount

The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00 per cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider, and verified by the City. The guarantee shall be accompanied by the appropriate agreements outlined in Section 18.5, Maintenance Agreements/Inspections (Stormwater).

18.4.3 Duration

The duration of the surety shall be for a period of 24 months following the date of the approval of a final plat or final certificate of occupancy or certificate of completion.

18.5 Maintenance Agreements/Inspections (Stormwater)

18.5.1 Required for Private Stormwater Facilities

Prior to the issuance of any project close-out, final plat, or certificate of completion/occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

18.5.2 Agreement, Generally

- A. **Recordation Required.** The inspection and maintenance agreement, if applicable, must be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of Henry County, Georgia.
- B. **Inspector Required.** The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.
- C. **Owner Responsibility**
 - 1. Responsibility for the operation and maintenance of a stormwater management facility shall remain with the property owner and shall pass to any successor

owner, unless an agreement with the City is made whereby the City takes ownership of the facility.

2. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

D. Schedule Required

1. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures.
2. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

- E. City Enforcement.** In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance.

18.6 Authorized Guarantee Types

18.6.1 Mixture of Guarantees is Allowed

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this Section 18.6, Authorized Guarantee Types. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

18.6.2 Bond

Bonds shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.

18.6.3 Cash or equivalent security

The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City.

18.6.4 Escrow

Cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Stockbridge an agreement between the financial institution and the applicant guaranteeing the following:

- A. That said escrow amount will be held in trust until released by the Director and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
- B. That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

18.7 Default and Forfeiture

18.7.1 Failure to Complete Improvements

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this UDC, or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City.

18.7.2 Notification of Default

- A. Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.
- B. The City will provide written notice to the applicant or responsible party of bond default 30 days prior to the abandonment of the project.
- C. The written notice of notification shall at least contain the following information:
 - a. The name and address of the applicant or responsible party;
 - b. The name and address of the surety company, if applicable;
 - c. The address or other description of the site;
 - d. A description of the outstanding improvements that are required to be completed; and
 - e. The deadline or completion date of any required improvements
- D. If the applicant has not completed the required improvements by the required deadline or completion date, the bond shall be defaulted.
- E. An aggrieved party may appeal by filing a written notice of appeal, as provided in Chapter 11, Variances and Appeals.

18.8 Release of Surety

18.8.1 Inspection and Acceptance Required

The City may release a portion of any security posted as the improvements are completed or the maintenance period completed and approved by the Director. When the Director approves said improvements, the Director shall inspect the premises, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the Director shall release the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this UDC.

CHAPTER 19: ACRONYMS AND DEFINITIONS

19.1 Acronyms

Acronyms:

AASHTO – American Association of State Highway Transportation Officials

ADA – Americans with Disabilities Act

ADU – Accessory Dwelling Unit

AMI – Area Median Income

Avg – Average

BMP—Best management practices (i.e. BMP plan)

BTL—Build-to line

CC – Certificate of Completion

CLOMA—Conditional letter map of amendment

CLOMR—Conditional letter of map revision

CO – Certificate of Occupancy

CPESC – Certified Professional in Erosion and Sediment Control

CSD—Conservation subdivision development

DBH—Diameter at breast height

DCA—Department of community affairs

DHR—Department of human resources

DNR—Department of natural resources

DRI – Department of Regional Impact

EPA – Environmental Protection Agency
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
LIA—Local Issuing Authority
LBCS—Land based classification standards
LBWPA—Long Branch Creek Watershed Protection Area
MCC—Mayor and city council
MNGWPD—Metropolitan North Georgia Water Planning District
MRPA—Metropolitan River Protection Act
NEPA – National Environmental Policy Act
NGVD—National Geodetic Vertical Datum
NOI—Notice of Intent
NOT—Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NWI—National Wetland Inventory
O.C.G.A.—Official Code of Georgia Annotated
OHSA – Occupational Safety and Health Administration
PC—Planning commission
PD—Planned development
PODS – Portable on-demand storage units
RFN—Residential fly-in neighborhood
RNC—Rural neighborhood commercial

ROW—Right-of-way

RPZ—Runway protection zone

RV—Recreational vehicle

SF *or* Sq. Ft. – Square Feet

WCF—Wireless communication facility

WPA—Watershed protection area

19.2 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" means 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" means 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.

"Abatement" means the method of reducing the degree and intensity of pollution, nuisance, or identified area of non-compliance with this Development Code.

"Absorption" means the penetration of one substance into or through another; or, the length of time it takes for a product or real estate to be sold or rented.

"Abut" means to physically touch or border on; or to share a common property line but not overlap.

"Acceleration lane" means an added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

"Access" means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

"Access management plan" means a plan showing the design of access upon a lot. It involves planning for the entry and exit of traffic on major roads in such a way as to keep interference with traffic flow to a minimum and maximize public safety.

"Access permit" means a permit issued by the appropriate governmental agency for the construction, maintenance, and use of a driveway or public street connecting to a highway.

"Accessible design" means accessible generally means that environments, objects, and systems meet prescribed requirements for accessibility for people with disabilities.

"Accessible route" means a continuous, unobstructed path connecting all accessible elements and spaces of a building or facility.

"Accessory equipment" means 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" means 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.

"Accidental discharge" means a discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.

"Acre" means a measure of land containing 43,560 square feet.

"Activity center" means a community focal point providing for the combination, rather than scatteration, of general retail, service, commercial, professional office, higher density housing, and appropriate public/quasi-public uses.

"Adaptive reuse" means the development of a new use for an older builder or for a building originally designed for a special or specific purpose.

"Addition to an existing building" means 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.

"Adjoining lot or land" means a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See "Abut".

"Administrative variance" means 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.

"Administrator" means the individual or group responsible for the implementation and enforcement of the ordinance. The Community Development Director, or their designee, shall be the administrator for the zoning ordinance.

"Adult day care" means 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.

"Adult entertainment establishment" means 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.

"Adverse impact" means a condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Adverse impacts usually related to circulation, erosion, drainage, potable water, sewage collection and treatment, but may also relate to lighting and glare, aesthetics quality of life, and environmental impact.

"Aerial view sign" means any sign which is designed primarily to be viewed from above, rather than the standard grade of the ground, vehicles, and local buildings. Aerial view signs may be mounted on roofs or on the ground, but are generally installed in a manner that is not conducive to being interpreted in the immediate ground-level vicinity.

"Affordable housing" means housing with sales price or rent within the means of a low-, middle-, or moderate-income household as defined by state or federal legislation. Not necessarily the same as subsidized housing.

"Aggregate sign area" means the total area of all signage on a particular lot.

"Aggrieved person" means a person, organization, or entity with a direct, substantial, and legally protectable interest in land or property that may be adversely affected by a decision or determination under this Code.

"Agrarian" means relating to the use of land for agriculture, particularly the cultivation or growth of a field or horticultural crop, including dairying, livestock, and poultry raising.

"Agricultural building" means a structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

"Agricultural land, prime" means land that qualifies for a rating as Class I in the US Department of Agriculture (USDA) Soil Conservation Service land-use capability classification.

"Agriculture" means 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.

"Agricultural services" means establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

"Agri-tourism" means agricultural uses such as farms, ranches, and vineyards, that, through promotion and advertising, facilities, and activities seek to attract visitors and guests. Also includes agri-tainment. Events and activities, such as mazes, hayrides, and petting zoos, that allow for recreation, entertainment, and tourism in conjunction with agricultural support and services directly associated with ongoing agricultural activity on-site. Examples of agritourism include dinner on the farm where paid meals are prepared for members of the

public from products of the farm, roadside markets, winery, agricultural craft and gift sales, garden and nursery sales, and special events.

"Aircraft" means any vehicle used or designed for flight in the air.

"Airport" means 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" means 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 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" means a change in size, shape, character, occupancy or use of a building or structure.

"Alteration, structural" means any change in the supporting elements of a building such as bearing walls, columns, beams, or girders.

"Amendment" means any repeal, modification, or addition to a regulation; or any new regulation.

"Amenities" means 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" means 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.

"Americans with Disabilities Act (ADA)" means a 1990 federal law designed to bring Americans with disabilities into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

"Amphitheater" means an open-air venue used for entertainment, performances, and sports. An amphitheater is a circular or oval open-air venue with tiered seating surrounding a central open area, while a theater can be either indoor or outdoor and is designed for performing arts.

"Amusement park (outdoor or indoor)" means 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.

"Animal hospital" means a Facility for the medical treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian.

"Animal kennel" means any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain.

"Animal shelter" means a facility used to house or obtain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

"Animated sign" means 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.

"Annexation" means the incorporation of land area into an existing community with a resulting change in boundaries of that community.

"Antique shop" means a store or shop for the sale of relics, works of art, furniture, or decorative objects made at much earlier time period than the present.

"Apartment" means a type of multifamily dwelling, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis.

"Apartment building" means a type of multifamily dwelling arranged, intended, designed, or occupied on a rental basis.

"Appeal" means a request for a formal review of an appointed administrative official's decision regarding provisions of this unified development code.

"Applicant," means a person submitting an application and plan for approval.

"Application for development" means the application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review and approval purposes. "Approach surface" means 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.

“Approved plan” means a plan that has been granted final approval by the appropriate approving authority.

“Approving authority” means the agency, board, group, or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

"Arcade" means 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 (1) with shops on one (1) or both sides or a commercial establishment featuring rows of coin-operated games.

"Arch" means 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.

“Architectural projections” means building projections that are permitted to intrude into the required front, rear, and side yards.

"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 (one hundred-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 (1%) or greater chance of flooding to an average depth of one (1) to three (3) 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 (1%) or greater chance of flooding in any given year. This includes all floodplain and floodprone 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).

"Art studio" means an area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including, but not limited to, painting, drawing, graphic design, photography, video, film, sculpture and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance and theater. "Artist studio" may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. "Artist studio" may also include accessory sales of art produced on the premises.

"Artist" means a person who practices one (1) of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and

literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.

"As-built plan" means 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" means 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" means open land used for outdoor games such as baseball, football, soccer and other field sports.

"Authority" means the Henry County Water and Sewerage Authority or the Clayton County Water Authority.

"Automobile sales" means 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. An automobile service station is neither a repair nor a body shop.

"Automobile service station" means 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 rendered.

"Automotive service, major" means 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" means 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.

B

"Back-to-back lots" means separate land parcels that have at least half of each rear lot line coterminous.

"Banner sign" means a sign made of flexible materials and supported along one or more sides or at two or more corners by one or more fixed, rigid supports, such as poles or rods.

"Bar" means an establishment in which alcoholic beverages are served for on-site consumption, primarily by drink. Synonym Tavern.

"Barn" means a large farm building used for storing grain, hay, or straw, or housing livestock or storing equipment. See: Agricultural Building.

"Base flood" means the minimum magnitude flood to be used by a community as a basis for its floodplain management regulations; presently required by regulation to be that flood which has a one-percent chance of being equaled or exceeded in any given year.

"Base flood elevation" means the highest water surface elevation anticipated at any given location during the base flood.

"Basement" means 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 percent (50%) of the total building perimeter.
- (3) Twelve (12) feet or less above the finished ground at any point.

"Bed and breakfast facility" means 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" means a room that has a closet.

"Bench sign" means a sign applied or affixed to a seat, bench, or other piece of street furniture.

"Berm" means an earthen structure used as a screening device in conjunction with the planting of grass, shrubbery and trees.

"Best management practices" means 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)" means 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.

"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).

“Bicycle (bike)” means a device propelled solely or in part by human power having two or more wheels in tandem, including children’s bicycles, except a toy vehicle intended for use by young children, such as a tricycle.

“Bicycle lane” means a portion of a roadway (either with curb and gutter or a flush shoulder) which has been designated by striping, and special pavement markings or signing for the preferential use by bicyclists. The minimum viable width for Bicycle Lane is five feet and traffic flow is one-way.

“Big box store” means a large, freestanding, single-story retail store, of generally more than fifty thousand square feet, and usually part of a regional or national chain.

“Bike lane” means a portion of a roadway (either with curb and gutter or a flush shoulder) which has been designated by striping, and special pavement markings or signing for the preferential use by bicyclists. The minimum viable width for a Bicycle Lane is five feet and traffic flow is one-way.

“Bike path” means (1) a facility that is paved or unpaved and physically separated from motorized vehicular traffic by an open space or barrier; (2) a designated right-of-way for bicycles, separated from pedestrian and motor vehicles.

“Bike route” means a segment of road designated by the jurisdiction having authority, with appropriate directional and informational markers, but without striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

"Billboard" means freestanding sign, supported by one or more poles, with an area of greater than seventy-two (72) square feet, for the purposes of advertising to travelers upon major roadways and interstates.

“Biomedical waste” means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses, chemotherapy waste, and discarded medical equipment and parts.

“Blank wall” means an exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

“Blighted area” means an area characterized by deteriorating and/or abandoned buildings; inadequate or missing public or community services; and vacant land with debris, litter, lack of utilities, accumulation of trash and junk and impacted by adverse environmental nuisances, such as odor, noise, and heavy traffic.

"Block" means 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" means a building dedicated to and used for the lodging and/or feeding, for compensation, of up to six (6) non-transient 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" means 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.

"Boutique hotel" means a facility not exceeding sixty (60) rooms and where overnight accommodation for less than thirty (30) days are provided for compensation. The building shall have interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours. Does not include extended stay motels.

"Brewpub" means a restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

"Breezeway" means 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.

"Broadcasting station" means room(s) or suite operated as a radio or television broadcasting station or station with local broadcast capabilities intended for satellite distribution of programs.

"Buffer" means 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.

- (1) "Natural/undisturbed buffer" means 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" means 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" means 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)" 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." The definition of stream buffer is governed by Georgia law, O.C.G.A. § 12-7-1.
- (5) "Stream buffer (local)," with respect to a stream, means a natural or enhanced vegetated area lying adjacent to the stream.
- (6) "Structural buffer" means 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 (1) side to the other throughout the year.
- (7) "Zoning buffer" means a buffer required by the zoning ordinance or as a condition of zoning, special use or variance approval for a specific property.

"Buffer strip" means 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" means 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" means 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" means 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" means 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.

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- (2) "Building addition" means 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" means 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" means 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" means 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.
 - (7) "Principal building" means 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" means 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" means 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" means the elements of the environment that are generally built or made by people as contrasted with natural processes.

"Burial ground" means 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.

"Business day" means a calendar day on which the offices of the City are open for normal business, excluding Saturdays, Sundays, and legal holidays observed by the City.

"Business frontage" means that portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage.

C

"Café" means a small restaurant primarily serving coffee drinks and light meals, sandwiches, and/or deserts and which often includes an outdoor seating area and provides table service indoors and out.

"Cafeteria" means a restaurant in which patrons wait on themselves, carrying their food from counters, where it is displayed and served, to their tables.

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

"Campground" means a plot of ground on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. Temporary living quarters shall herein be meant to not last longer than 14 continuous days.

"Canopy, fuel station" means a protective covering or a roof like structure that is free standing, for protection from the elements, not for human habitation, but affixed permanently to the ground. All canopies shall be located at least 15 feet from any public rights-of-way.

"Canopy roofed structure" means a roofed structure that covers an area, or especially one that shelters a passageway between two (2) buildings.

"Canopy sign" means any sign on a cloth, metal, plastic, or other cover designed to shade or shelter a window or entrance of a building or structure.

"Canopy tree (large tree or shade tree)" means any tree, evergreen or deciduous, whose mature height can be expected to exceed 40 feet and whose crown spread can be expected to exceed 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" means 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" means 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" means 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" means 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.

"Car wash" means an establishment engaged in the business of washing, cleaning, or the interior detailing of vehicles.

"Cemetery" means 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 Appropriateness" means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

"Certificate of occupancy" means 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.

"Certified personnel" means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

"Changeable copy sign" means a sign with the capability of copy change or rearrangement by means of manual, remote, or electronic input upon which changeable letters may be placed, without altering the face or the surface of the sign.

"Change of use" means (1) a change from one use classification in the zoning ordinance to another use classification; (2) any use that differs substantially from the previous use of a building or land.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Character" means special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest / individuality.

"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.

"Charging levels" means the 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.

"Childcare center" means an establishment providing for the care, supervision, and protection of children.

"Church or other place of worship" means a building used for public worship including temples, synagogues and related Sunday school or church facilities.

"Cigar bar/lounge" means an establishment that caters to patrons who smoke cigars. May serve food and alcohol in accordance with the alcohol ordinance.

"City" means the City of Stockbridge, Georgia.

"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 manmade 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.

"City street" means a street which is owned and/or maintained by the City of Stockbridge.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Clearing/clear cutting" means the broad removal of all trees and/or vegetation from an area.

"Clinic" means 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" means 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.

"Coastal marshlands" shall have the same meaning as in O.C.G.A. § 12-5-282.

"Coffeehouse" means an establishment that serves primarily prepared coffee or other hot drinks as well as light snacks.

"College" means an institution of higher education and research that provides undergraduate or graduate degrees.

"Commercial drone delivery hub" means an area of land, structural surface, building, or structure with one (1) or more designated drone staging areas for use by unmanned aircraft, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system (UAS) buildings, structures, and other facilities.

"Commercial vehicle" means 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" means 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.

"Common open space" means land within a Tiny House Village Development that is designated and permanently reserved for the common use and enjoyment of the residents of the development. Common open space may include landscaped greens, plazas, community gardens, walking trails, playgrounds, community buildings, seating areas, recreational amenities, and similar improvements. Required yards, parking areas, public or private streets, drive aisles, utility easements, and stormwater management facilities shall not be considered common open space unless expressly approved by the City.

"Compatibility" means 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" means 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" means 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" means O.C.G.A. § 50-8-1 et seq. and the Minimum Standards and Procedures for Local Comprehensive Planning as adopted by the Georgia Board of Community Affairs.

"Concept plan" means a schematic or conceptual design for land development, prepared for informal review purposes, that carries no vesting rights or obligations to any party.

"Condemnation" means 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.

"Condition of approval" means 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" means 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.

"Condominium" means the ownership in fee simple title of a single unit in a multifamily family dwelling 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" means 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" means 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" means 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" means 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" 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.

"Construction buffer" means a type of buffer which is temporary and remains in effect during the construction of a project.

"Construction standard drawing" means the construction standards manual utilized by the City of Stockbridge and related drawings for public improvements.

"Cooking facilities" means 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.

"Copy" means the graphic content or message of a sign.

"Cornice" means the uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

"Corridor" means 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.

“Cottage Home” means a detached single-family dwelling of compact residential design, constructed on a permanent foundation, that is larger than a Tiny House and intended for permanent residential occupancy within a Cottage Home Village or mixed Tiny House and Cottage Home Village Development. A Cottage Home shall contain not less than one thousand (1,000) square feet and not more than one thousand two hundred fifty (1,250) square feet of heated habitable floor area, excluding attached porches, garages, and accessory structures.

“Cottage Home Village Development” means a residential development consisting of multiple Cottage Homes, or a combination of Tiny Houses and Cottage Homes, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.12 of this UDC.

“Cottage Court” means a residential development consisting of a group of small detached dwelling units oriented around a shared common open space and developed under a unified site design.

"County." The use of the word "county" shall mean Henry County unless otherwise specified.

"County street" means a street which is owned and/or maintained by Henry County.

"Covenant, protective" means a contract entered into between private parties which constitute a restriction on the use of a particular parcel of property.

"Covenant, restrictive" means 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.

"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 effect that such systems have on the peak rate of runoff from the site.

"Critical root zone" means 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 one (1) foot per one (1) inch of trunk diameter at breast height (DBH). Example, a twelve-inch diameter tree at breast height (12 inches DBH) would have a 12 foot radius circle (twenty-four-foot diameter circle) which represents the critical root zone (CRZ).

"Cross access easement" means 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.

"Curb" means a stone, concrete, or other improved boundary marking the edge of a roadway or paved area.

"Curb cut" means provision for vehicular ingress or egress connecting land or property to an abutting street.

"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.

"Customary home occupation" means an incidental land use that is permitted within a primary dwelling or an accessory structure upon a lot, which complies with all standards applicable in this UDO.

"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.

D

"Damage, substantial" refers to any change to a structure which impairs its value, usefulness, or normal function. For the purposes of this UDO, substantial damage shall occur when the cost of restoring the structure would equal or exceed 50% of the market value of the structure before the damage occurred.

"Dance studio" means a facility designed and used for the professional instruction and rehearsal of dance, including, but not limited to, ballet, tap, jazz, contemporary, ballroom, hip-hop, and other forms of dance that do not include adult erotic dancing. Workshops, private lessons, and classes can all be offered.

"Day care facility/center for children, day care center for youth, nursery schools and kindergarten schools; and a day care center for adults" means 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.

"Dead, dying, or hazardous tree (DDH)" means 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.

"Decal" means a picture, design or label made to be transferred to glass, wood, metal, or any other hard surface material.

"Deciduous" means plants that drop their foliage annually before becoming dormant.

"Deck" means an unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

"Dedication" means the transfer of property by the owner to another person.

"Density, gross" means the total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

"Density, net" means 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 percent (25%)) 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" means 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)" means 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.

"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.

"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.

"Developed land" means all real property altered from its natural state by grading, paving, compaction, construction of structures, impervious surfaces or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

"Development" means 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" or "single development" means 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" means a land development activity on a previously undeveloped site.
- (2) "Post-development" means 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" means 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 activity" means any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

"Development approval" means 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.

"Development impact fee" means 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)" means 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 permit" means 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" means 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.

"Development rights" means 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.

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- (1) "Receiving area" means the region or district where development rights may be affixed to property.
 - (2) "Receiving property" means the lot or parcel where development rights are affixed, thereby increasing the permissible density or intensity of use on the property.
 - (3) "Sending area" means the region or district where development rights may be removed for purposes of transfer to another location.
 - (4) "Sending property" means the lot or parcel where development rights are removed, thereby eliminating permissible uses on the property.
 - (5) "Transfer of development rights" means the process by which development rights from a sending property are affixed to one (1) or more receiving properties.

"Director" means 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.

"Diameter at breast height (DBH)" means the diameter of a tree is to be measured by one (1) 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 (4.5) feet above ground level on the uphill side of the tree. If a tree splits into multiple trunks below four and one half (4.5) 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.

"Discharge, accidental" means a discharge prohibited by this UDO that occurs by chance and without planning or thought prior to occurrence.

"Discharge, illicit" means any direct or indirect non-stormwater discharge to the City separate stormwater sewer system, except as exempted by this UDO.

"Distribution center" means an establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by rail, air, or motor vehicle.

"Dormer" means a projection from a sloping roof that contains a window.

"Dormitory" means a building or part of a building that is operated by or on behalf of an institution that is authorized to grant a degree by the Board of Regents of the State of Georgia and used to house students enrolled at such institutions.

"Drainage easement" means 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" means a device composed of a virtually non-erodible 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" 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 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.

"Dripline" means 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.

"Drive-in" means a retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

"Drone" or "unmanned aircraft system" means unmanned aerial systems remotely piloted aircraft that can fly under the control of a remote using a first-person point of view, or in autopilot mode guided by a global positioning system (GPS).

"Drone delivery" means a permitted food store, restaurant, retail store, or warehouse/distribution facility with one (1) or more designated drone staging areas that are incidental to the primary use of the property for use by small, unmanned aircraft systems under fifty-five (55) pounds take-off weight to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

"Drone delivery service" means a primary use of the property with the purpose of operating one (1) or more drone staging areas for use by unmanned aircraft to deliver commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

"Drone staging area" means a designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiate take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment.

"Dwelling" means a building or portion thereof which is designed or used for residential purposes, including single-family, two-family, multifamily dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

- (1) "Accessory dwelling" means 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" means a building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.
- (3) "Multifamily" means a building or set of buildings containing a group of dwelling units on a common lot containing separate living units for three (3) or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as townhouses.
- (4) "Single-family" means 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" means 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" means 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" means 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" means 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" means 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" means the projecting lower edges of a roof overhanging the wall of a building.

"Electric vehicle (EV)" means 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.

"Electric vehicle charging port" means the EVSE component which connects to vehicle charging inlets. One (1) 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 fifteen (15) or more amps of current to be used with the Level 1 EVSE supplied by vehicle manufacturers.

"Electric vehicle charging station (EVSE)" means 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.

"Elevation" means (1) a vertical distance above or below a fixed reference level (2) a fully dimensioned drawing of the front, rear, or side of a building, showing features such as windows, doors, and relationship of grade to floor level.

"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.

"Encroachment" means any obstruction or illegal or unauthorized intrusion into a floodway, right of way, or adjacent land.

"Erect" means to build, paint, construct, attach, hang, place, suspend, assemble or affix.

"Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.

"Erosion and sedimentation control plan" means 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."

"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.

"Evergreen tree" means 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" 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 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.

"Extended detention" means the storage of stormwater runoff for an extended period of time.

"Exterior Architectural Features" means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

"Exterior Environmental Features" means all those aspects of the landscape or the development of a site which affect the historic character of the property.

"Exterminator" means a person engaged in the service of killing or removing insects, mice, rats, or other pests.

"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.

F

"Facade" means:

- (1) "Primary (front) facade" means 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" means any exterior wall of a building, other than the primary facade.

"Factory" means a building in which raw material and semifinished or finished materials are converted to a different form or state, or where goods are manufactured, assembled, treated, or processed.

"Fall zone" means the area within the radius of a billboard that is equal to 133% of the height of the billboard.

"Family" means 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" means a all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

"Farm supply store" means an establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

"Feedlot" means 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.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

"Fenestration" means windows and other openings on a building façade.

"Fill" means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

"Final plat" means 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.

"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 percent (100%) of the soil surface is uniformly covered in permanent vegetation with a density of seventy percent (70%) 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.

"Fire lane" means an unobstructed paved or improved surface area clearly defined by pavement markings and signs, at least twelve feet wide, and designed to provide access for fire-fighting equipment.

"Firing range" means 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" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

"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

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- (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" means 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" means 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" means 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" means 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" means 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, one-hundred-year" means those lands subject to flooding, which have at least a one percent (1%) 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).

"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 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" means 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.

"Freight Truck" means a commercial vehicle with a manufacturer's recommended gross vehicle weight rating (GVWR) exceeding 26,000 pounds, including Class 6 vehicles or greater under the Federal Highway Administration vehicle classification system, including tractor-trailers, semi-trucks, and combination vehicles.

"Frontage" or "frontage, road" means the distance measured along a public street right-of-way, or the main street property line of a lot.

"Fueling station" or "fuel station" means any building, structure, or area of land used for the retail sale of automobile fuels, such as gasoline or diesel, oils, and accessories. A gasoline station may include the sale of propane, kerosene, food, or retail goods as accessory uses. Fueling stations shall not include game rooms, game arcades, major repair shops, body shops, paint shops, paint booths, or other similar more-intense automotive related use.

"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.

"Funeral home" means a building or part thereof, used for embalming, autopsies, casket storage, and religious or other services necessary to prepare the dead for burial or cremation.

"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-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.

G

"Garage, parking" means 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" means a building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

"Grade" means the lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

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- (1) "Finished grade" means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
 - (2) "Highest adjacent grade" means the highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

"Grade (roadway)" means the slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a two percent (2%) grade represents two (2) feet of elevation change over a one hundred-foot distance.

"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.

"Grandfathered" means an exemption relating to a particular use or activity on a property that does not conform to applicable rules or regulations because of its establishment prior to the enactment of such rules or regulations.

"Grease trap" means a device in which the grease present in wastewater is intercepted and congealed by cooling and from which it may be skimmed off liquid wastes for disposal.

"Green area" means land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park. See Open Space.

"Green infrastructure" stores, treats, and infiltrates stormwater into soil, mimicking natural systems.

"Greenfield" means farmland and open areas where there has been no previous industrial or commercial activity.

"Greenhouse, non-commercial" means a permanent climate-controlled structure enclosed (as by glass or plastic) and used usually year-round for the cultivation and protection of plants.

"Greenspace" or "open space" means any area protected as permanently vegetated land.

"Ground coverage" means the area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

"Ground elevation" means the original elevation of the ground surface prior to cutting or filling.

"Ground floor" means the first floor of a building other than a cellar or basement.

"Group home" means 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.

"Grubbing" means the removal of stumps or roots from a site.

“Gutter” means a shallow channel, usually set along a curb or the pavement edge of road, for purposes of catching and carrying off run-off water.

“Gym” means the abbreviated term for gymnasium, which is an enclosed facility for exercise and athletics.

H

“Habitable floor area” means the total floor area of all the habitable rooms in a dwelling unit.

“Habitable room” means any room in a dwelling unit other than a kitchen, bathroom, pantry, closet, hallway, cellar, storage place, garage, unfinished basement, cellar, or attic.

“Handicapped parking space” means parking spaces reserved for people with disabilities.

“Hardscape” means nonliving components of a landscaped design, such as walls, sculptures, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

"Hardship" means 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" means 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.

"Hazardous waste" means 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" means 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.

“Health care facility” means a facility or institution, whether public or private, engaged in providing services for health maintenance and the treatment of mental or physical conditions. Accessory uses within these spaces include laundries for patients served, restaurants, gift shops, laboratories, pharmacies, and medical offices.

"Height" means 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" means a designated area for landing and takeoff of rotorcraft.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Highest and best use" means the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible that results in highest value.

"Historic district" means 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.

"Historic building or structure" means 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.

"Historic Property" means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Mayor and City Council as a historic property.

"Home occupation" means 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" means a tobacco pipe with a long, flexible tube which draws the smoke through water contained in a bowl.

"Hookah bar/lounge" means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or from one (1) 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" means 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/motel" means a building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, housekeeping services and/or center are provided for guests for an average stay of less than thirty (30) days and offered to the public for compensation. Hotel service provisions of food and beverage services suitable for both guests and meeting spaces and selective amenities, such as but not limited to spas, banquet groups, rooms, conference facilities, valet parking, concierge, and on-site restaurant. Guest rooms center and/or within the building shall contain no equipment for food preparation other than a microwave. There shall be no self-serve laundry facilities (for guests' use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours. Does not include extended stay motels.

"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.

"Household pets" means domesticated animals weighing less than 150 pounds and cared for by the members of the household and which are not raised for commercial gain or considered livestock as defined herein.

"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.

I

"Illegal connection" means either of the following:

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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 of 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.

"Illicit discharge" means any direct or indirect non-stormwater discharge to the City's separate storm sewer system, except as exempted in this UDC.

"Impact fee" means a fee imposed on a development to help finance the cost of public improvements.

"Impermeable" means not permitting the passage of water.

"Impervious surface (or impervious cover)" means 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" means 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.

"Incidental" means subordination and minor in significance or bearing a relationship to the primary use.

"Indoor play space" means 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" means activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26(b)(14).

"Industrialized building" or "modular building" means 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)).

"Industrial park" means a tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, utility needs, aesthetics, and compatibility.

“Industrial waste” means any liquid, gaseous chemical, or solid residue or by products of an industrial process.

“Industrial, heavy” means industrial uses engaged in heavy manufacturing, sewage treatment or disposal facilities, electric generating plants and facilities, incinerator or landfills, water purification facilities, automobile and truck body shops, junkyards and salvage yards, human and animal crematories, motor freight terminals, used motor vehicle storage and impoundment yards, and firing ranges.

“Industrial, light” means industrial uses engaged in light manufacturing, packing, storage, and distribution of products, including warehousing, wholesaling, and shipping and receiving, and scientific research development and training, kennel and animal hospitals, new vehicle storage, and vehicle transportation service establishments.

“Industrialized home” means a dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia Department of Community Affairs.

"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.

"Inert construction waste" means 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" means development of vacant or remnant lands passed over by previous development in the area.

"Infrastructure" means 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.

“In-Kind Mitigation” means the replacement of the impacted aquatic site with one of the same hydrologic regime and plant community type (same species composition).

"Inoperable vehicle" means any motorized vehicle incapable of immediately being driven.

"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.

"Inspection and maintenance agreement" means 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" means activities for civic, cultural, educational, social, or governmental purposes.

"Intensity of use" means the number of dwelling units per acre for residential development and the Floor Area Ratio for nonresidential development, such as commercial, office, industrial.

"Interior landscape area" means 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.

"Interparcel connection" means 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.

"Invasive plant" means 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.

J

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. For example, but not limited to, tires, unregistered and inoperable vehicles, equipment, paper, rags, metal, building materials, household appliances, or lumber.

"Junk/salvage yard" means 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" means any wrecked inoperable, dismantled automobile, truck or other vehicle which does not bear a current State license plate.

"Jurisdictional Wetlands" means a wetland regulated under the federal Clean Water Act for which a § 404 permit from the U.S. Army Corps of Engineers may be needed to impact the wetland. Not all wetlands are jurisdictional wetlands.

K

"Kennel" means:

- (1) "Commercial kennel" means any location which provides boarding and care for dogs, cats, or other small animals for pecuniary gain.
- (2) "Noncommercial kennel" means 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" means a State-approved institution for the education of pre-school aged children.

"Kitchen" means a room or interior area equipped for preparing and cooking food.

L

"Laboratory" means a place devoted to experimental study, such as testing and analyzing, but not including the manufacturing of products.

"Land development activities" means those actions or activities which comprise, facilitate or result in land development.

"Land development permit" means the authorization necessary to begin construction-related, land-disturbing activity.

"Land development project" means a discrete land development undertaking.

"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 permit (LDP)" means 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.

"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 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.

"Land use" means a description of how land is occupied or used.

“Landfill” means a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan. See Sanitary Landfill.

“Landlocked” means a lot or parcel of land without direct access to a public road.

"Landscape plan" means a detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval when required by the unified development code.

“Landscaping service” means an establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping

"Landscape strip" means 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.

"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.

“Laundromat” means a business that provides home-type washing and drying machines for hire to be used by customers on the premises.

“Library” means a building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

"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.

"Litter" means 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).

“Livestock” means any animal raised for food, raw materials or pleasure, and customarily kept on a farm, including but not limited to, beef and dairy cattle, sheep, swine, poultry, horses, mules, donkeys, goats, turkeys, bison, llama, emus and any animal having hooves. This

definition of livestock shall not apply to pet chickens owned pursuant to section 9-72 as domesticated animals.

"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 percent (40%) 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" means space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

"Lodge" means 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.

"Long-Term Truck Storage" means the parking or storage of freight trucks for periods exceeding 24 consecutive hours. Long-Term Truck Parking is not intended for short-term or overnight stays of drivers.

"Lot" means 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" means 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)" means 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" means 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" means a lot other than a corner lot or a through lot.

"Lot depth" means the average horizontal distance between the front and rear lot lines. (Lot definitions are illustrated in figure A.1.) [not available]

"Lot line" or "property line" means the property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

"Lot of record" means 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.

"Lot width" means the horizontal distance between the side lot lines measured along the street right-of-way lines. For cul-de-sac lots, lot width shall be measured at the right-of-way and shall be a minimum of 50% of the required width of the zoning district requirement.

"Low impact development" is a land planning and engineering approach that manages stormwater runoff by mimicking natural site hydrology.

"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 unified development code.

M

"Manufacturing" means establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

"Manufacturing, heavy" means an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery.

"Manufacturing, light" means an establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacture of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Unlike heavy manufacturing, light industrial uses are typically processes that do not create noise, fumes, smoke, odors, or glare or health or safety hazards outside of the building where such processes occur

"Manufactured home" means 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. § 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.

“Manufactured home, new” means a manufactured home that is purchased from either the original manufacturer or a dealer in the ordinary course of such dealer's business and has never been titled or previously occupied.”

"Master development plan" means 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.

“Material change in appearance” means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

"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 Section, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

“Megachurch” means a house of worship with a seating capacity or holding capacity of ten thousand or more persons. This use tends to draw from a regional area, have a variety of activities that take place over the entire week, and generate significant amounts of traffic.

“Metes and bounds” means a method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference

"Mini-warehouse" means a building or portion thereof used for 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)" means 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" means 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" means 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.

"Manufactured home park" means a parcel of land that has been planned and improved for the placement of manufactured homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by manufactured homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of manufactured homes on such premises. A manufactured home park does not include an automobile or manufactured home sales lot on which unoccupied manufactured homes are parked for inspection or sale.

"Motel" means 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.

"Motion picture theater" means a place where motion pictures are shown to the public for a fee.

"Move-in house or structure" means [a] pre-existing dwelling or structure relocated to another lot or on the same lot.

"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.

“Multi-Use Path” means a multi-use pathway for all non-automobile users, including pedestrians and bicyclists. The minimum viable width for a Multi-use Path is ten feet and traffic flow is two-way.

N

"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Georgia EPD under authority delegated pursuant to 33 U.S.C. § 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.

"Native plant" means 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.

"Natural area" means 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 drainage flow” means the pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regrading.

"Natural ground surface" means the ground surface in its original state before any grading, excavation or filling.

"Natural vegetated area" means 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.

“Neighborhood” means an area of a community with characteristics that distinguish it from other areas and that may include distinct housing types, schools, or boundaries defined by physical barriers, such as highways or railroads, or natural features such as water bodies.

“Neighborhood park” means a park area designed to serve the active recreational needs of the neighborhood, such as field games, playground apparatus, crafts, and picnicking. The National Recreation and Park Association publishes guidelines and general development standards for variety of park and recreational facilities.

"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 colloiddally dispersed or suspended particles are present.

"Net acreage" means 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 one hundred-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.

"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 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.

"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.

"News rack" means one or more self-service or coin-operated boxes, containers, storage units, or other dispensers fused for the display and sale or distribution of newspapers, periodicals, or other written material.

"Night club" means an establishment open only late at night, in which music is provided, along with space in which dancing by patrons may occur.

"Noise disturbance" means any noise exceeding the noise level limits established for the specific zoning district.

"Nonconformity," "nonconforming situation," or "nonconforming use" means 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.

"Nonconforming sign" means a sign that was legally erected under previous sign regulations, and which became nonconforming to the provisions of this article that were adopted following the installation of the sign.

"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.

"Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

“Nuisance” means a condition or situation that results in an interference with use and enjoyment of property.

“Nuisance abatement” means programs designed to acquire, in an expedited manner, properties that are declared nuisances for all or some of the following reasons: blight, habitually used for illegal purposes, fire damage, gross neglect, disrepair, and debris.

"Nursery school, kindergarten schools." See "day care" definition.

"Nursing home" means 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

“Object” means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communications equipment.

“Office headquarters” means a large building, five thousand square feet or larger, on a tract of land totaling fifty acres or more built for a specific corporate use and/or user.

“Office, home” means a home occupation in which a part of the dwelling unit is used as the resident’s office. See Home Occupation.

“Office building” means a building used primarily for the conducting the affairs of a business, profession, service, industry or government or like activity; it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care services.

“Office park” means a development on a tract of land that contains a number of separate office buildings, with accessory and supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated basis.

“Off-site” means located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a continuous portion of a street or right-of-way.

“Off-street parking” means a parking space that is not located on a dedicated street right-of-way and that is directly accessible to an access aisle.

“One-way car sharing” means a car sharing system where the vehicle does not have to be returned to the location from which it was rented.

“On-site” means located on the lot that is the subject of the application for development.

“On-street parking space” means a parking space that is located on a dedicated street right-of-way.

"Open space" means 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 one hundred-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" means wetland stream buffers; one hundred-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" means improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;
- (3) "Category C" means improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;
- (4) "Category D" means State waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and
- (5) "Category E" means land donated to a governmental entity for public use, provided such land is not located in a wetland or one hundred-year flood zone.

"Open space, common" means land within or related to a development, not individually owned or dedicate for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include complementary structures and improvements as are necessary and appropriate.

"Open space, natural" means an open space area that is in an unimproved and undisturbed state, with no changes to existing grade or removal of existing vegetation.

"Open space, private" means open space, the use of which is limited to the occupants of a single dwelling, building or property.

"Open space, public" means open space owned by a public entity and maintained by it for the use and enjoyment of the general public.

"Open space ratio" means the total area of open space divided by the total site area in which the open space it to be located.

"Operator" means the party or parties that have:

1. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
2. 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.

"Ordinance" means a law or regulation adopted by a governing body.

"Ordinary high water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

"Outdoor play area" means 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.

"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.

"Outside storage" means 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.

"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).

"Overhang" means the edge of a roof that projects out over the space or wall beneath.

"Overlay zoning district" or "overlay district" means 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" 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.

P

"Parapet" means (1) a barrier, roof, wall, or railing along the edge of a balcony, bridge, terrace, or roof where there is a drop and sudden danger of falling; or, (2) a wall or hip-roof extension along the edge of the roof to visually and acoustically screen rooftop mechanical and HVAC equipment.

"Paratransit" means a form of public transportation service characterized by the flexible routing and scheduling of small vehicles, such as taxis, vans, small buses, to provide shared

occupancy, doorstep, or curbside personalized transportation service. Example: Lyft, Uber, Yellow Cabs, MARTA.

"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

"Park, dog" means a parcel or tract of public or privately owned land set aside and designated for the use by dog owners as "off-leash" areas for exercising their canine pets.

"Park, private" means a tract of land owned or controlled and used by a specific person or entity for active or passive recreational purposes.

"Park, public" means a tract of land owned by a branch of government and available to the general public for recreation purposes.

"Park-and-ride facility" means a parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping at the park-and-ride facility.

"Parking, shared" means the joint utilization of a parking area for more than one use. Involves spaces that are used at different times by different uses, or a single space that serves several stores so that a vehicle does not need to be moved from place to place. Shopping center parking is an example of shared parking. For new construction, instead of computing the parking requirement for each use, a single overall parking ratio may be used.

"Parking space, off-street" means 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.

"Parking structure" means a building or structure consisting of more than one level and used to store motor vehicles. See Garage; Garage, Municipal; Garage, Public.

"Party driveway" means a single way providing vehicular access to two or more properties.

"Party wall" means a common wall shared by two attached structures, buildings, or dwelling units.

"Path" means a cleared way for pedestrians or bicyclists that may or may not have been improved.

"Patio cover" means 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.

"Paved" means 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.

"Pavement width" means the cross-section width of a paved road measured from edges of pavement.

"Pedestrian" means an individual who travels on foot.

“Pedestrian walkway” means a right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, mechanical lifts, and routes through buildings and other areas that are available for public use.

“Percolation test” means a test designed to determine the ability of the ground to absorb water and used to determine the suitability of soil for drainage or septic system use.

"Perennial stream" means any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) Seven-Minute Topographic Series Maps (1:24,000).

“Performance guarantee” means any security that may be accepted by a governmental entity to ensure that improvements required as part of an application for development will be satisfactorily completed. Examples, cash, surety bond, or letter of credit.

“Permeable pavement system” means an alternate or supplemental stormwater management system using cast-in-place or pre-cast modular units, both of which create voids for gravel or grass.

"Perimeter landscape area" means 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" means the authorization, issued by the City of Stockbridge to the applicant that is necessary to conduct the activity that was applied for and approved.

“Permitted use” means any use allowed in a zoning district as a matter of right.

“Permittee” means any person to whom a permit is issued.

"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 this State, any interstate body or any other legal entity.

"Personal care home" means 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.

“Personal services” means establishments primarily engaged in providing services involving the care of a person or their personal goods or apparel. Examples: laundry, including

pressing and cleaning service; diaper service; linen supply; beauty shops; barbershops; shoe repair; steam baths; clothing rental; porter service; and domestic services

"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.

"Pharmacy" means a place where prescription drugs and medicines are prepared and dispersed.

"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.

"Place of worship" means (1) a church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar belief; (2) a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

"Planned Development" means an area of minimum size that is planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, an appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

"Planned Commercial Development" means an area of at least 10 acres in size to be planned, developed, operated and maintained as a single entity and containing one or more structures with appurtenant common areas to accommodate office, retail, commercial uses, and other uses incidental to the predominant commercial use

"Planned Industrial Development" means an area of at least 10 acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more structures with appurtenant common areas to accommodate industrial, manufacturing, warehousing, office, retail, and commercial uses, and other uses incidental to the predominant industrial use.

"Planned Unit Development" means 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.

"Plat" means (1) a map representing a tract of land, showing the boundaries and locations of individual boundaries and streets; (2) a map of subdivision showing compliance with the requirement of all applicable sections of this UDO and any conditions of approval adopted by the Mayor and City Council.

"Plat, final" means a map of all or a portion of a subdivision that is presented to the approving authority for final approval. Approval of the final plat is usually granted only upon the completion or installation of all improvements or the posting of performance guarantees

ensuring the completion of such improvements. Final approval is required before the property can be transferred or building permits issued.

“Plat, preliminary” means the approval of a preliminary plat merely gives the subdivider the authorization to proceed with the planning and development phase of the project.

“Plaza” means an open space that may be improved and landscaped; usually surrounded by streets and buildings.

"Pocket park" means a park for active or passive recreational uses consisting of no less than one-quarter ($\frac{1}{4}$) 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 ($\frac{1}{2}$) the number required and that any consolidated pocket park does not exceed one (1) net useable acre (or forty-three thousand five hundred sixty (43,560) square feet), nor contain less than one-half ($\frac{1}{2}$) a net useable acre (or twenty-one thousand seven hundred eighty (21,780) square feet). 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.

“Portable On Demand Storage Unit (PODS)” means a lightweight storage containers that provide temporary storage for homeowners in yards or driveways.

"Pollutant" means 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" 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.

“Pop up stores” means retail space that is temporary, utilized for short term sales, ranging from one day to several weeks.

"Portico" or "porch" means 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-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" 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.

"Practicability policy" means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

"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.

"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.

"Pre-existing use" means the use of a lot or structure prior to the enactment of this UDO.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Previously developed site" means a site that has been altered by paving, construction, and/or land disturbing activity.

"Primary surface" means 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" means the building or structure containing or to contain the principal use of a lot.

"Principal entrance" means the place of ingress and egress most frequently used by the public.

"Principal permitted use" means 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" means 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.

"Prohibited use" means a use that is not permitted in a zoning district.

"Project" means 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" means 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" means that person or entity that holds legal title to property.

"Proportionate share" means 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, means the combined areas of all required buffers and setbacks applicable to such stream.

"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 hearing" means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to ask questions, comment, and participate

"Public or private property" means 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 streets" means right-of-way dedicated to the county or owned by the county for public street purpose.

"Public utility" means firm, corporation, or local government authorities providing gas, electricity, communications service, and similar essential services.

"Public water facilities" means 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" means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

"Quasi-judicial" means public officials whose acts are functionally comparable to those of a judge, and hence are immune personally from lawsuits.

"Quorum" means a majority of the full authorized membership of a board or agency.

R

"Recreation, active" means leisure time activities, usually of a formal nature and performed with others, requiring equipment and taking place at a prescribed place, site, or field.

"Recreation, passive" means activities that involve inactive or less energetic activities, such as walking, sitting, picnicking, and board and table games.

"Recreation facility" means a place designed and equipped for the conducting of sports and leisure time activities.

"Recreational vehicle" means a vehicular type portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational and camping purposes. These include:

- Travel trailers – A vehicular unit, mounted on wheels, of such size and weight as not to require special highway moving permits with drawn by motorized vehicles (8.5 feet wide maximum) designated and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF when used for camping in set up mode.
- Truck camper – A portable unit, designed to be loaded onto or affixed to , the bed or chassis of a truck and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.
- Motorhomes – A vehicular unit built on a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping, or travel use and not larger than 400 SF. All such vehicles shall have a current state license, inspection sticker, and registration and be titled in the name of the current owner.
- Camper trailer – A vehicular unit mounted on wheels and constructed a collapsible partial side walls which fold for towing by another vehicle and unfold on the camp site

and designed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 SF.

- Tent – a moveable shelter made of canvas or other similar material and supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.

"Recycled water system" means a water system that captures and reuses water previously used in wash or rinse cycles.

"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.

"Regulatory flood (regulatory flood elevation)" means the flood standard equal to or higher than the base flood.

"Remodel" means to construct an addition or alter the design or layout of a building or make alterations or structural changes.

"Rental housing" means housing that is occupied by a tenant paying rent to an owner, with no part of the rent being used to acquire equity in the property.

"Repair major" means improvement requiring a building permit.

"Repair minor" means improvement to correct deficiencies resulting from normal wear and tear and not requiring a building permit.

"Residential district" means an area where buildings used for exclusively for residential purposes occupy more than 50% of the total street frontage.

"Residence" means a home, abode, or place where an individual is actually living on a non-temporary basis.

"Restaurant" means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

"Restaurant, drive-in" means an establishment where food or drink is served to and consumed by a customer in automobile while parked on the premises.

"Restaurant, Drive-through" means an establishment in which food or drink is served to customers within automobiles outside the confines of the building and where the consumption of food or drink is intended to occur off the premises.

"Restaurant, take-out" means where food and or beverages are sold in a form ready for consumption, where or all or significant part of the consumption takes place of premises.

"Retail food establishment, mobile" means a vehicle, usually a van, truck, towed trailer, or pushcart from which food and beverages are sold

“Retail sales” means establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

“Retaining walls” means a structure that is constructed between the lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

“Rezone” means to change the zoning classification of a parcel of land.

"Right-of-way" means 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.

"Riparian" means belonging or related to the bank of a river, stream, lake, pond, or impoundment.

"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 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.

“Roof” means the outside top covering of a building or structure.

“Road frontage” means the distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the city or the county for vehicular traffic or over which the city or the county may hold a prescriptive easement for public access, and including designated and numbered U.S. and state highways.

“Road, minor collectors” means a road/street serving county-wide traffic, these roads collect traffic from local roads/streets and bring developed areas within a reasonable distance of a major collector road; provide service to smaller communities; and link the locally important traffic generators with other areas.

“Road, major collectors” means the primary purpose of a collector road is to collect and distribute traffic between the local streets and the major and minor arterial streets and to provide access to adjacent properties. These roads, with minor collectors, primarily serve county rather than state traffic. More moderate speeds are typical. They serve traffic generators of intra county importance, such as consolidated schools, shipping points, county parks, and important business and agricultural areas. They link these places with nearby cities, arterials and freeways, and serve the more important intra county travel corridors.

"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."

“Rural area” means a sparsely developed area, with population density of fewer than 100 persons per square mile, where the land is undeveloped or primarily used for agricultural purposes.

S

“Sanitary sewer” means an underground system that carries wastewater and sewerage to a treatment plant.

"Saved tree" means a tree in which the critical root zone has not been disturbed by more than 25%.

“Scale” means the relationship between distances on a map and actual ground distance; or, the proportioned relationship of a size of parts to one another.

“Scale of development” means the relationship of a particular project in terms of its size, height, bulk, intensity and aesthetics to its surroundings.

“School” means any building or part thereof, that is designed, constructed, or used for education or instruction in any branch of knowledge or skill.

“Screen” means a structure, berm, or planting consisting of fencing and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property or a portion thereof.

"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 air, 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.

"Self-service storage facility" or “self-storage facility” means 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.

“Septic system” means an underground system with a septic tank used for the decomposition of domestic wastes.

"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.

"Setback" means 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.)

"Screening" means a method of shielding or obscuring one (1) abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

"Shrub" means a woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

"Short-Term Truck Parking" means the parking of freight trucks for periods not to exceed 24 hours for overnight rest, mandatory breaks, or temporary parking.

"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.

- (1) "Sidewalk planted 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.
- (2) "Sidewalk clear 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 percent (2%).

"Sight triangle" means the triangular shaped portion of land at street intersections in which nothing is erected placed, or planted or allowed to grow as to limit obstructions to the sight distance of motorists entering or leaving the intersection.

"Sign" means 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.

"Sign, animated" or "sign, moving" means a sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

“Sign, awning” means a sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by this UDO.

“Sign, banner” means a temporary sign of cloth or similar material.

“Sign, blade” means a vertically oriented wall sign, also known as a projecting sign.

“Sign, canopy” means a sign attached to the underside of a canopy.

“Sign, digital” means changeable electronic variable message signs that have changeable messages or displays and meet the requirements related to the duration of messages, transition time, lighting, and brightness.

“Sign, directory” means a sign listing the tenants or occupants of a building or group of buildings.

“Sign, electronic” means a sign composed of content or messaging can be changed or altered on a fixed display screen composed of electrically illuminated segments.

“Sign, entrance” means a sign placed near the intersection of a public street and a public or private entryway into a residential or mixed-use development that identifies the name of the development.

“Sign, flashing” means any sign with a message area that electronically scrolls, flashes, varies in illumination, rotates, or changes more often than once every fifteen (15) seconds.

“Sign, freestanding” means sign not affixed to a building.

“Sign, ground” means any sign principally supported by uprights or braces which are permanently placed into the ground and not supported by or suspended from any building or structure. A ground sign is a type of freestanding sign.

“Sign, hand-held” means any sign greater than 36 square inches (0.25 square feet) that is carried or physically supported by a person.

“Sign, hanging” means a sign that hangs below, and it supported by, a marquee, canopy, or awning and is perpendicular to the building face.

“Sign, holiday decoration” means temporary signs, in the nature of decorations, and customarily and incidentally associated with a national, local, or religious holiday.

“Sign, illuminated” means a sign lighted by or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

“Sign, inflatable” means any display capable of being expanded by air or other gas.

“Sign, informational” means a sign not permanently installed in the ground with an area of not greater than four (4) square feet, and a height no greater than three (3) feet. with a sign face made for short term use, containing no reflecting elements, flags, or projections. Standard information signs are mounted on one or more stakes or metal frames, with a thickness or diameter not greater than two (2) inches each.

“Sign, internal” means a sign that is not intended to be viewed from outside the subject property and is located so as not to be visible from any public right-of-way or from any other nearby property.

“Sign, landmark” means a sign that has historical or cultural significance due to a combination of its physical features and period reference based on construction type, lighting method, style, materials, technology, shape, or art. Such examples include metal frame roof signs, neon signs, and tower-style freestanding signs.

“Sign, mobile” means any sign that is either part of or otherwise affixed to any trailer or vehicle, whether motorized or non-motorized, intended for long-term display at a particular location.

“Sign, monument” means a freestanding sign of which the entire bottom of the sign is generally in contact with or near 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.

“Sign, multi-faced” means a sign with two (2) faces mounted or placed on the same structure that form a geometric angle of less than 45 degrees at their vertex. The characteristics of the largest sign face shall be used to determine compliance.

“Sign, portable” means a temporary sign, such as a sidewalk, sandwich, or A-frame 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.

“Sign, projecting” means any sign which is attached perpendicular to a building or structure and projects outward from the portion of the building or structure to which it is attached.

“Sign, pylon or pole” means a freestanding sign, mounted on one or more ground-mounted support poles or structures.

“Sign, roof” means any sign erected upon or above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.

“Sign, sidewalk or sandwich” means a movable A-Frame sign.

“Sign, snipe” means any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

“Sign, stake” means a temporary yard sign supported by at least one (1) upright stake placed into the ground, with a sign area not greater than eight (8) square feet.

“Sign, temporary” means any sign or device which is not temporarily 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, such as balloons, banners, and mobile signs.

“Sign, wall” means a sign fastened to or painted on, the wall of a building or structure in such a manner as the wall becomes the supporting structure for or forms the background

surface of the sign, and that does not project more than 12 inches from such building or structure.

“Sign, window” means a permanent sign that is painted or mounted on a window pane or hung directly inside a window for the purpose of identifying the sign from the right-of-way or street.

“Sign area” means the face of the sign, including letters, numerals, or graphics, but excluding any framing, trimming, molding or supporting structures.

“Sign face” means the area or display surface on a sign used for the message.

"Significant tree" means any existing, healthy, living tree eight (8) inches DBH or greater in size.

“Silviculture” means a process, following accepted forest management principles, whereby forests are tended, harvested, and reforested either by natural or artificial reforestation, or both.

"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.

“Site” also means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

“Site plan” means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetations, drainage, floodplains, and waterways; landscaping and open areas; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers, and screening devices; surrounding development; and other information that may be reasonably required in order for the governing authority to make an informed decision.

“Site plan, minor” means a Development Plan involving an alteration or small addition to an existing development in which the increase in floor area is less than 10% of the existing floor area, does not require a new street or an extension of an existing street, does not require off-tract improvements, and does not require variances.

"Small box discount store" means a retail store:

- (1) With floor area less than twelve thousand (12,000) square feet;
- (2) That primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and
- (3) 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 fuel 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.

"Solar energy system, integrated" means an SES where solar materials are incorporated into building materials, such that the two (2) 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.

"Solar energy system, rooftop" 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.

"Solar energy system, ground mounted" 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:

- (1) "Solar energy system, ground mounted small scale (small scale SES)" means a ground mounted SES with a footprint of less than two (2) acres.
- (2) "Solar energy system, ground mounted intermediate scale (intermediate scale SES)" means a ground mounted SES with a footprint of between two (2) and fifteen (15) acres.
- (3) "Solar energy system, ground mounted large scale (large scale SES)" means a ground mounted SES with a footprint of more than fifteen (15) acres.

"Solid waste" means putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manure, industrial wastes, abandoned automobiles, dredging wastes, construction

wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

"Solid waste management facilities" means 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" means a gathering or event for which the promoter or other person, firm, or corporation holding or producing the event must obtain a permit.

"Special use" means 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 special use is permanent in nature.

"Specimen tree" means a particularly impressive or unusual example of a species because of its size, age, shade, or other trait that epitomizes the character of the species.

"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.

"Stable, private" means a stable with a capacity of not more than four (4) horses, mules or other draught animals.

"Stable, public" means a stable other than a private stable with a capacity of more than four (4) horses, mules or other draught animals.

"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 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" 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, 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).

"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.

"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 management plan" means a plan for post-construction stormwater management at the site that meets the requirements of Chapter 17 and is included as part of the land development application.

"Stormwater management standards" means those standards set forth in Chapter 17.

"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 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.

"Stormwater runoff" means flow along the surface of the ground, resulting from precipitation.

"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.

"Street" means any right-of-way, public or private, including arterials, collectors, local roads, and roadways by any other designation, as well as bridges, tunnels, and other portions of the transportation network.

"Street" also means 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.

- (1) "Alley" means 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" means a street developed with two (2) one-way pavements separated by a landscaped median.
- (3) "Collector street" means 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" means 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" means a local street open at one (1) end and closed at the other.
- (6) "Expressway" means the expressway system, which includes high volume limited access thoroughfares through the county and region beyond.
- (7) "Frontage road" means 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" means a public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.
- (9) "Major arterial" means 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" means 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" means a dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

"Street furniture" means constructed, above ground objects, such as outdoor seating, kiosks, bus shelters, sculptures, trash receptacles, planters, bollards, fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and outdoor spaces.

"Structure" means 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.

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- (1) "Structure, principal" means the building or structure in which the primary use permissible on the lot is conducted.
 - (2) "Structure, accessory" or "accessory use" means 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.

"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."

"Structural stormwater control" means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

"Subdivision" means 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.

"Subdivision, consolidation" means the combining of individual recorded lots to form fewer tracts than currently exist.

"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.

"Subdivision, minor" means any subdivision of land that does not involve the following (1) creation of more than the maximum number lots allowed by this UDO for that district; (2) any new street; (3) the extension of any off-tract improvements.

"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-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

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- (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" means 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.

"Surface area" is the total exterior area, calculated by measuring the height and width of each building façade, including projections.

T

"Telecommunications tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas: self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, and cellular communications towers.

"Tenant frontage" means 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.

"Theater" means a building or part of a building used to show motion pictures or drama, dance, musical or other stage performances.

"Timber harvesting" means the felling, loading, and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

"Tiny house" means a detached single-family dwelling of compact design intended for permanent residential occupancy, constructed on a permanent foundation in accordance with the Georgia State Minimum Standard Residential Code, as amended, and containing not less than four hundred fifty (450) square feet and not more than six hundred (600) square feet of floor area, excluding lofts, attached porches, garages, and accessory structures. A Tiny House shall comply with the Tiny House requirements established in Section 3.2. of this UDC

"Tiny house on wheels (THOW)" means a dwelling unit constructed on a trailer chassis or other movable platform that is designed to be transported on public roadways and is not permanently affixed to a permanent foundation. A Tiny House on Wheels shall not be considered a dwelling unit or a permitted residential use under this UDC.

“Tiny house village development” means a residential development consisting of multiple Tiny Houses, multiple Cottage Homes, or a combination of both, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.41 of this UDC.

“Tot lot” means an improved and equipped play area for small children, usually up to elementary school age.

“Tower” or “tower support structure” means 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” means a cylindrical self-supporting communications tower constructed as a single spire.

“Townhome” A residential dwelling unit constructed in a building containing three (3) or more attached dwelling units, with each unit having its own individual entrance. Townhomes may be developed on a common lot or on individually platted lots in accordance with the requirements of the applicable zoning district.

“Tractor trailer storage” means property used for the long term-controlled storage of tractor trailers which include permanent office or security facilities.

“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.

“Transparency” is the minimum percentage of windows and doors that must cover a facade.

“Transportation Improvement Project” means the construction, reconstruction, retrofit, or alteration of any street, and includes the planning, design, approval, and implementation processes, except that “Transportation Improvement Project” does not include routine upkeep such as cleaning, sweeping, mowing, spot repair, or pavement resurfacing.

“Tree” means 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 three (3) inches at any point and a height of over twelve (12) feet.

“Tree defects.” Tree defects can be of two (2) 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.

"Tree density unit (TDU)" means a credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this chapter.

"Tree density standard (TDS)" means the minimum number of tree density units per acre which must be achieved on a property after development.

"Tree diameter" means the widest cross-sectional dimension of a tree trunk measured at the diameter at breast height (DBH).

"Tree protection area" means any portion of a site wherein are located existing trees which are proposed to be preserved to comply with the requirements of this UDC.

"Tree removal" means the physical act of cutting down and removing a tree from a site.

"Tree replacement/protection plan" means 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 service" means a business whose primary operation is the trimming or removal of trees and the storage and use of associated equipment and vehicles.

"Tree thinning" means 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.

"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. 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.

"Truck staging or waiting area" means an area used for temporary truck waiting, dispatching, queueing, or idling generally not to exceed four (4) hours. For the purposes of this UDO, this definition shall not include loading zones associated with active loading and unloading activities.

"Truck stop" means facility for parking of freight trucks for periods not exceeding twenty-four (24) hours for overnight rest, mandatory breaks, or temporary parking.

"Truck storage facility" means a facility for the parking or storage of freight trucks for periods exceeding twenty-four (24) consecutive hours. Long-Term Truck Parking is not intended for short-term or overnight stays of drivers.

"Truck terminal" means an area and building where trucks load and unload cargo and freight and where car and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

U

"Understory tree", "medium tree," or "small tree" means 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.

"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.

"Undisturbed buffer" means a buffer, either impervious or vegetated, in which no encroachment of buildings or structures is permitted.

"Unit of development" means 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.

"Utility" means 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.

"Utility box" means electric transformers, switch boxes, telephone pedestals, and telephone boxes, cable television boxes, traffic control boxes and similar devices.

"Utility corridors" means rights-of-way or easements for utility lines on either publicly or privately owned property.

"Utility services" means the generation, transmission, and/or distribution of electricity, gas, steam, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

V

"Vacancy" or "vacant" means any unoccupied land, structure, building or part thereof that is available and suitable for occupancy.

"Variance" means 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.

"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

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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.

"Vehicle, abandoned" means 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.

"Village center" means a residential development consisting of multiple Tiny Houses, multiple Cottage Homes, or a combination of both, designed as an integrated neighborhood with common open space, pedestrian connections, community amenities, and unified site planning in accordance with the requirements of Section 3.2.41 of this UDC.

"Violation" means 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

"Wall" means (1) the vertical exterior of a building; (2) one of the vertical interior surfaces that divide the building into rooms.

"Warehouse" means a building used primarily for the storage of goods and materials.

"Waste" means an unusable or unwanted substance or material.

"Waste transfer station" means a facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation.

"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.

"Watershed" means the land area that drains into a particular stream.

"Wetlands" means 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" means 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" means 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.

“Work day” or “working day” means a calendar day on which the offices of the City are open for normal business, excluding Saturdays, Sundays, and legal holidays observed by the City.

“Wrecker service” means 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.

“Wrested vegetation” means as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action.

X

“Xeriscape” means landscape design encouraging the use of drought resistant plants and ground cover, as well as water conservation and retention techniques.

Y

“Yard” means 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” means 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” means 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” means 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.

“Yard sale” means the sale of miscellaneous used items, commonly associated with residential use, by the owner and/or occupants of a residential property on that property.

Z

"Zoning district" means the use classification of parcels of land as generally defined under this unified development code.

"Zoning map" means 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 ordinance" means 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.