STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR16-412

AN ORDINANCE TO AMEND AND RE-CODIFY THE ZONING CODE OF THE CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to amend and re-codify the Zoning Code of the City of Stockbridge; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Chapter 8.36 of the Stockbridge Municipal Code is hereby amended by deleting said chapter in its entirety and replacing it with the following:

"Chapter 8.36 - Reserved."

Section 2. That the Stockbridge Municipal Code is hereby amended adding a new Title 12, entitled "Zoning Code of the City of Stockbridge, Georgia" such title comprised of twelve chapters and an appendix is attached hereto as Exhibit A.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be October 1, 2016.

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ORDAINED this 26th day of July, 2016.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor Pro Tem

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: 7-26-2016

Date Received from Mayor: 7-27-2016

EXHIBIT "A"

Zoning Code

TITLE 12 - ZONING CODE OF THE CITY OF STOCKBRIDGE, GEORGIA

CHAPTER 1. GENERAL PROVISIONS

Sec. 1.01.00. Title

Sec. 1.02.00. Authority

Sec. 1.03.00. Applicability

Sec. 1.04.00. Purpose and intent

Sec. 1.05.00. Relationship to the comprehensive plan

Sec. 1.06.00. Administrator

Sec. 1.07.00. Documents adopted by reference

Sec. 1.08.00. Rules of interpretation

Sec. 1.09.00. Abrogation

Sec. 1.10.00. Severability

Sec. 1.11.00. Conversion of previous zoning districts

Sec. 1.12.00. Development standards concerning previously approved plats

Sec. 1.01.00. Title

These development regulations shall be known as the "Zoning Code of the City of Stockbridge, Georgia," and may be referred to herein as the "ZONING CODE."

Sec. 1.02.00. Authority

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

Sec. 1.03.00. Applicability

Sec. 1.03.01. *Generally.*

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

Sec. 1.03.02. *Exemptions and exceptions.*

The following situations are exempt from the requirements of the ZONING CODE:

A. Buildings or structures that are legally under construction on the date of adoption of the ZONING CODE.

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

C. Provided that development pursuant to an approved development plan or subdivision plat approved prior to the effective date of this ZONING CODE, commences no later than one (1) year after the effective date of this ZONING CODE.

D. The proposed use of property lawfully approved as of the effective date of this ZONING CODE.

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

F. Zoning requests denied, but legally submitted pending the filing of an appeal to Mayor and Council.

Sec. 1.04.00. Purpose and intent

The purpose and intent of the ZONING CODE is to:

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

B. Minimize congestion on the public streets;

C. Advance traffic safety;

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

E. Provide adequate light and air;

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

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

H. Protect property against blight and depreciation;

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

J. Ensure economy in government expenditures for infrastructure; and

K. Preserve natural resources.

Sec. 1.05.00. Relationship to the comprehensive plan

The City of Stockbridge Comprehensive Plan as updated from time to time is the official development policy and implementation guide for the City to coordinate and direct physical and economic development, related public investment and to provide reasonable regulations for the development of private property in the interest of public health, safety and welfare. The ZONING CODE is designed to implement all provisions of that Plan for the development and use of land.

Sec. 1.06.00. Administrator

The development director has been designated by the City of Stockbridge as the official charged with administration of this ZONING CODE. The development director may therefore, establish such rules and procedures as may be necessary, including, but not limited to, administrative procedures for filing applications for amendment of the official zoning map of the City of Stockbridge. These applications may include zoning requests, variances and other applications as may be submitted for development approval. The development director is hereby authorized to interpret the provisions of this ZONING CODE when warranted and appropriate.

Sec. 1.07.00. Documents adopted by reference

Sec. 1.07.01. *Official zoning map*

A. The official zoning map shall be adopted by resolution of the Mayor and 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 ZONING CODE.

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 Sec. 12.02.09 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 Council recorded as an entry in the minutes of such Council meeting as follows: "On _____/_____, 20_____ by official action of the Mayor and 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 located in the office of the development director shall be the final authority as to the current zoning status of any lot in the city.

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

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

G. The official zoning map shall be re-adopted by the Mayor and Council as needed.

H. This new official zoning map shall be identified by the signature of the Mayor, attested by the city clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____/_____, 20_____ as part of the ZONING CODE."

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

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

Sec 1.07.02. *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 ZONING CODE. This plan provides information to guide the City of Stockbridge in requiring dedication or preservation of land for rights-of-way for future streets.

Sec. 1.07.03. *Georgia Stormwater Management Manual*

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

Sec. 1.07.04. *Metro North Georgia Water Planning District*

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

Sec. 1.07.05. *Floodplain management*

The City of Stockbridge is required to adhere to floodplain management standards referenced in Paragraph 60.3(d) (44 CFR 59) based on participation in the National Flood Insurance Program (NFIP). The adopted flood insurance study (FIS), with accompanying maps and other supporting data and any revision thereto, as amended from time to time, are hereby adopted by reference and shall be the final authority as concerns base flood elevations (BFE) for the City of Stockbridge, if available.

Sec. 1.07.06. *Building and construction codes*

Each building and construction code listed in subsections 1.07.06 (A) through (O) as approved by the State of Georgia, including any attachments, future editions and amendments as may be approved by Mayor and Council, are hereby adopted by reference as if set forth here in their entirety.

A. International Building Code (ICC)

B. National Electric Code as 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 contained in the National Fire Prevention Association Publication 101 (NFPA).

Sec. 1.07.07. *OSHA safety and health regulations regarding excavating and trenching*

All safety and health regulations promulgated by OSHA with regard to excavating and trenching operations, particularly Part 1926, Subpart P, Excavation, Trenching, and Shoring, sections 1926.650, 1926.651, and 1926.652 of the Code of Federal Regulations, as the same now exists or may hereafter be amended, are hereby adopted as part of this ZONING CODE as if quoted verbatim here.

Sec. 1.08.00. Rules of interpretation

Sec. 1.08.01. *Generally*

A. The following rules of interpretation shall apply to administration of the ZONING CODE:

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

Sec. 1.08.02. *Rules for boundary interpretations.*

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

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

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

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

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

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

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

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

Sec. 1.08.03. *Rules of construction*

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

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

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

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

E. The word "month" shall mean 30 days.

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

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

Sec. 1.08.04. *Computation of time*

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

Sec. 1.09.00. Abrogation

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

Sec. 1.10.00. Severability

If any section, paragraph, clause, phrase or provision of this ZONING CODE shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of remaining portions of this ZONING CODE.

Sec. 1.11.00. Conversion of previous zoning districts

A. Zoning districts as were established under the previous zoning ordinance of the City of Stockbridge are hereby renamed to the zoning district names and designations under this ZONING CODE, as shown in Table 1.11.00 (A). All regulations, requirements and provisions of this ZONING CODE applicable to a zoning district established under this section shall apply to the previously named zoning district as now named, and as indicated in Chapter 2. Zoning Districts.

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

Table 1.11.00 (A): Conversion of Previous Zoning Districts

Previous Zoning District Designation	**Zoning District Designation under this ZONING CODE**
Residential Zoning Districts	
RA, *Residential-agricultural district*	RA, *Residential-agricultural district*
R-1, *Single family residential district*	R-1, *Single family residential district*
R-2, *Single family residential district*	R-2, *Single family residential district*
R-3, *Single family residential district*	R-3, *Single family residential district*
RD, *Residential duplex district*	RD, *Residential duplex district*
RM, *Multifamily residential district*	RM, *Multifamily residential district*

RM-1	RM-1
RM-2	RM-2
RM-3	RM-3
N/A	RS, *Residential suburban district*
RMH, *Mobile or manufactured home development district*	RMH, *Mobile or manufactured home development district*
Commercial, Office and Institutional Zoning Districts	
OI, *Office-institutional district*	O-I, *Office-institutional district*
C-1, *Neighborhood commercial district*	C-1, *Neighborhood commercial district*
C-2, *General commercial district*	C-2, *General commercial district*
C-3, *Highway commercial district*	C-3, *Highway commercial district*
Industrial Zoning Districts	
M-1, *Light manufacturing*	M-1, *Light manufacturing*
M-2, *Heavy manufacturing district*	M-2, *Heavy manufacturing district*
X-1, *Railroad District*	X-1, *Railroad District*
Mixed Use Districts	
PD	Deleted
PTD, Planned town development district	PTD, Planned town development district
Mixed Use Neighborhood Development district (MUND)	MUND, Mixed Use Neighborhood Development district
IAC, *Interchange activity center district*	Deleted

Traditional Neighborhood Development (TND)	Traditional Neighborhood Development (TND)
Conventional Development (CD)	Conventional Development (CD)

Sec. 1.12.00. Development standards concerning previously approved plats.

Any residential, commercial or industrial subdivision platted prior to the effective date of this ZONING CODE shall be subject to all development standards in place at the time of plat recording.

CHAPTER 2. ZONING DISTRICTS

Sec. 2.00.00. Generally

Sec. 2.01.00. Official zoning map

Sec. 2.02.00. Establishment of zoning districts

Sec. 2.03.00. Establishment of residential districts; development standards

Sec. 2.04.00. Establishment of commercial, office and institutional districts; development standards

Sec. 2.05.00. Establishment of industrial districts; development standards

Sec. 2.06.00. Establishment of a mix of residential, office and institutional, commercial and industrial districts; development standards

Sec. 2.07.00. Reserved

Sec. 2.08.00. Establishment of the PTD, Planned town development district; development standards

Sec. 2.09.00. Establishment of the CRS, Conservation residential subdivision district; development standards

Sec. 2.10.00. Establishment of overlay districts

Sec. 2.11.00. Supplemental regulations

Sec. 2.12.00. Reserved

Sec. 2.13.00. Reserved

Sec. 2.14.00. Reserved

Sec. 2.00.00. Generally

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

Sec. 2.01.00. Official zoning map

Sec. 2.01.01. The city of Stockbridge is hereby divided into zoning districts, as shown on the official zoning map, together with all explanatory notes thereon.

Sec. 2.01.02. The official zoning map may be amended according to procedures established in Sec. 12.02.09 of the ZONING CODE.

Sec. 2.02.00. Establishment of zoning districts

The zoning districts established in this ZONING CODE are comprised of underlying districts and overlay districts. Each district is assigned development standards that regulate the use and development of property within the city limits of Stockbridge. Uses may be permitted "by right" with no further approvals required, uses may be subject to supplemental standards and certain uses may be prohibited. The range of residential uses is presented in the respective residential zoning districts. Commercial, institutional and industrial uses are presented in the respective nonresidential zoning districts. Accessory uses permitted in residential and nonresidential districts are presented in the individual zoning districts.

Sec. 2.03.00. Establishment of residential districts; development standards

The following sections present those development standards that must be met in the respective residential districts established in this ZONING CODE.

Sec. 2.03.01. *R-A, Residential-agricultural district.*

A. Purpose. It is the intent of this district to preserve the mixed agricultural and residential character of land which presently serves as a transition between rural land and land which is becoming urban in character.

B. Permitted Uses.

1. Those permitted uses common to all single-family residential districts.

2. Agriculture, including the raising of field crops, horticulture, animal husbandry, and poultry farms, all of which shall be subject to regulation by the health department. Farm structures which include raising or keeping animals shall be set back a minimum of one hundred (100) feet from all property lines.

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

4. Manufactured homes.

C. Accessory Uses.

1. Those accessory uses common to all single-family residential districts.

2. Living quarters for persons regularly employed on the premises; but not to include labor camps or dwellings for transient labor.

3. Roadside stands for sale of agricultural products grown on the premises, but not to exceed five hundred (500) square feet in floor area.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

2. Reserved.

3. Ambulance and emergency service.

4. Armories.

5. Crematories.

6. Colleges or universities with dormitories, fraternity and/or sorority houses when located on the main campus.

7. Hospitals and care homes having a minimum lot area of three (3) acres when fronting upon a major thoroughfare. Side and rear yard setbacks to be fifty (50) feet from property lines.

8. Noncommercial kennels; provided that all structures, pens and runs be in the rear yard only, with a minimum setback of seventy-five (75) feet from all property lines.

9. Private clubs and lodges.

10. Rural trailer/motor coach (RV) parks with minimum lot area of five (5) acres.

E. Conditional Exceptions.

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

2. Taxidermist studios.

3. Travel trailer/motor coach (RV) campgrounds having a minimum lot area of (5) acres.

Development standards of the R-A District are described in Table 2.03.01.

Table 2.03.01. *R-A Development Standards*

Minimum lot area	• 1.0 acre on private septic system and county water on paved road • 1.25 acres on private septic system and private well • 2.0 acres for new subdivisions • 3.0 acres for agricultural uses
Minimum lot width	• 200 feet • 175 feet on private septic system and county water on paved road
Minimum front yard setback	• 75 feet
Minimum side yard setback	20 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet

Minimum heated floor area	• 1,000 square feet on 1.25 acre lot or larger; 1,200 square feet on lots smaller than 1.25 acres

Sec. 2.03.02. R-1, *Single family residential district.*

A. Purpose. It is the intent of this district to provide for single-family residential dwellings of a low density character on individual lots.

B. Permitted Uses. Those permitted uses common to all single-family residential districts.

C. Accessory Uses. Those accessory uses common to all single-family residential districts.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

2. Move-in houses.

E. Conditional Exceptions. Those conditional exceptions common to all single-family residential districts

Development standards of the R-1 District are described in Table 2.03.02.

Table 2.03.02. *R-1 Development Standards*

Minimum lot area	1.0 acre
Minimum lot width	150 feet
Minimum front yard setback	75 feet
Minimum side yard setback	20 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet
Minimum heated floor area	1,500 square feet

Sec. 2.03.03. R-2, *Single family residential district.*

A. Purpose. It is the intent of this district to provide for single-family dwellings of a low to moderate density character on individual lots. Residential subdivisions in this district over eight (8) acres in total area shall have access onto an arterial road.

B. Permitted Uses. Those permitted uses common to all single-family residential districts.

C. Accessory Uses. Those accessory uses common to all single-family residential uses.

E. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

2. Move-in houses.

E. Conditional Exceptions. Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

Development standards of the R-2 District are described in Table 2.03.03.

Table 2.03.03. *R-2 Development Standards*

Minimum lot area	30,000 square feet
Minimum lot width	125 feet
Minimum front yard setback	50 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet
Minimum heated floor area	1,300 square feet

Sec. 2.03.04. R-3, *Single family residential district.*

A. Purpose. This district is to provide for single-family residential development on smaller lots where public sewer systems are provided when part of a planned development project.

B. Permitted Uses.

1. Those permitted uses common to all single-family residential districts.

2. Cluster home developments.

3. Manufactured homes.

C. Accessory Uses. Those accessory uses common to all single-family residential districts.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

2. Move-in houses.

E. Conditional Exceptions. Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

1. Those permitted uses common to all single family residential districts; and

2. Cluster home developments.

C. Accessory Uses. Those accessory uses common to all single family residential districts.

D. Conditional Uses. Upon application to, and recommendation by, the Zoning Advisory Board and a favorable decision thereon by the Mayor and Council, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single family residential districts.

E. Conditional Exceptions. Those conditional exceptions common to all single family residential districts, with the exception of taxidermy, are permitted in this zoning district.

F. Development standards of the R-3 District are described in Table 2.03.04. (F).

Table 2.03.04 (F) *R-3 Development Standards*

Minimum lot area	12,000 square feet, 0.28 acres
Minimum lot width	75 feet
Minimum front yard setback	50 feet

Minimum side yard setback	10 feet
Minimum rear yard setback	40
Maximum height	35 feet
Minimum heated floor area	1,050 square feet

Sec. 2.03.05. Reserved.

Sec. 2.03.06. Reserved.

Sec. 2.03.07. *RD, Residential duplex district.*

A. Purpose. This district provides for two-family dwellings when served by public sewer systems and county water.

B. Permitted Uses.

1. Attached single-family dwellings.

2. Two-family dwellings.

3. Crop gardens.

4. Local, state and federal governmental buildings.

5. Publicly owned and operated parks and recreation areas.

6. Temporary buildings and storage of materials in conjunction with construction or a building on a lot or adjacent lots where residential construction is taking place.

C. Accessory Uses. Those accessory uses common to all single-family residential districts.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

2. Move-in houses.

E. Conditional Exceptions. Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

F. Development standards of the RD District are described in Table 2.03.07.E.

Table 2.03.07 (E) *RD Development Standards*

Minimum lot area	30,000 square feet
Minimum lot width	125 feet
Minimum front yard setback	60 feet
Minimum side yard setback	30 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet
Minimum heated floor area	800 square feet per dwelling unit

Sec. 2.03.08. *RM, Multifamily residential district.*

A. Purpose. It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

B. Permitted Uses.

1. Multiple-family dwellings, including fee-simple townhouses or cluster homes.

2. Boarding and rooming houses.

3. Local, state and federal governmental buildings.

4. Publicly owned and operated parks and recreation areas.

5. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

C. Accessory Uses. None

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

E. Conditional Exceptions. Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

F. Definitions. For purposes of this entire section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

"Amenities" shall mean the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

"Carport" shall mean a covered structure used for housing two (2) vehicles that has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall carport width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Where carports are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the City and constructing an attached residential parking garage.

"Central park" means a park for active or passive recreational use consisting of buildable land. The total area of a central park shall be equal to one (1) acre. A central park must be located in the approximate center of the development relative to the residential buildings located therein.

"City" means the City of Stockbridge or its designee.

"City Manager" means the individual indentified by the City of Stockbridge to perform the administrative functions and duties of a city manager or his designee.

"Classification" means the RM-1, RM-2 or RM-3 district referred to herein.

"Commercial area outside the development" means an area not associated within or part of the development in which at least three (3) of any of the following operating commercial establishments are located: retail, office, industrial or manufacturing industrial.

"County" means Henry County or its designee.

"Development Director" means the individual indentified by the City of Stockbridge to perform the functions and duties of a development director in administering this ZONING CODE or his designee.

"Development plan" means a written and graphic submission for a development which represents a tract of land, proposed development, the location and bulk of buildings and other structures, the calculation of all impervious surfaces, density of development, public and private streets, parking facilities, common open space, sidewalks and multi-use paths, and all amenities.

"Dwelling unit" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for tenant occupancy, for rental or lease on a periodic basis of more than one (1) week at a time, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities; however this definition shall not be construed to include extended stay hotels/motels.

"Extended stay hotel/motel or lodging" means any building containing five (5) or more guest rooms, intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes for guests, and at least twenty percent (20%) of which contain kitchen facilities for food preparation, including, but not limited to, refrigerators or stoves, and which facilities shall be separate from the sleeping areas. The rooms of an extended stay facility are of the type accessed by either individual exterior entrances or by individual, internal courtyard entrances. Such a facility is distinguished from a multiple unit dwelling or any other type of permanent residence and persons who reside therein are not permitted to claim permanent residency at such a location.

"Facade" means all exterior faces of a building except eaves and corners.

"Hotel" means a building in which overnight accommodations, without separate cooking facilities, are provided to the public on a short-term basis, for the accommodation of transient individuals, and which shall at all times be prohibited from conversion to multiple unit dwellings or other types of permanent residences.

"Impervious cover" or "impervious surface" means any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes or blocks the free passage of water, air or nutrients through the soil to the natural watershed, aquifer or water zone located below the surface. Surface materials which have been tested and marketed as providing some level of perviousness (e.g., such as pavers) and have a life span comparable to or better than that of asphalt may be used and its rated perviousness may be factored into the calculation of impervious cover after review and approval of the rating by the City.

Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent (50%) of the horizontal area of the deck is included in the measurement of impervious cover.

"Maximum allowable net density" means the total number of dwelling units or housing structures per unit of land based on the net useable acres. The maximum allowable net density shall not exceed the density established by this section and applicable law.

"Multiple-family dwellings" mean apartment buildings and other multiple-family dwellings other than fee simple town homes, fee simple condominiums, and hotels and motels regardless of intended duration of occupation.

"Net useable acres" (n.u.a.) shall mean the total acreage of a proposed development under this classification, less any streets, rights-of-way and public lands.

"One hundred (100) year flood plain" shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every one hundred (100) years. This definition shall include, without limitation, any land identified on the Flood Insurance Rate Map as being within a delineated zone of special flood hazard.

"Owner" shall mean all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

"Parking space, off-street" shall mean any 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.

"Pocket park" shall mean a park for active or passive recreational uses consisting of buildable land. The total area of the pocket park shall be one (1) acre. This area requirement for pocket parks may be divided in half where the development will provide two or more pocket parks. Where required, pocket parks shall be located in those parts of the development which are at the greatest walking distance from the highest amenities based upon the area occupied by that amenity.

"Private alleyway" shall mean an alley located in the rear of apartments, townhouses or condominiums in RM-1, RM-2 or RM-3 districts, respectively, that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the City at the expense of the adjoining property owners, homeowners' associations or condominium associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: Private alleyways shall be a minimum of eighteen feet (18') in width, and sixteen feet (16') thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6"). Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder and six inches (6") of graded aggregate base. Curbs and gutters are not required. Private alleyways shall not have dead-ends. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles that has the following minimum dimensions: vehicular entrances height, ten feet (10'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The overall garage width and depth of a residential parking garage for a town home unit can be twenty feet (20'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum or four inches (4") in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not

be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the City and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

Development standards of the RM District are described in Table 2.03.08.

Table 2.03.08. *RM Development Standards*

Minimum lot area	5,445 square feet per dwelling unit
Minimum lot width	100 feet
Minimum front yard setback	60 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	20 feet
Maximum height	4 stories or 45 feet, whichever is less
Minimum heated floor area	Apartments: • One bedroom: 650 square feet • Two bedrooms: 950 square feet • 200 additional square feet for each bedroom over two

A. Limited number of unrelated persons in RM-1, RM-2, and RM-3 districts.

1. All dwelling units within the RM-1, RM-2, and RM-3 districts shall be restricted to occupancy by a family and up to no more than two (2) other persons who are not related to any of the family members by blood, legal adoption or marriage within the third degree of consanguinity or within the second degree of affinity, except as specifically required by federal or state law.

2. Prima facie proof of occupancy of a dwelling unit by more than two (2) unrelated persons is established in any prosecution for violation of this section if it is shown that the same four (4) or more vehicles with registration to persons having different surnames and addresses were parked overnight at the dwelling unit a majority of nights in any twenty-one (21) day period. This establishment of a prima facie level of proof in this subsection does not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner.

3. The property owner and any agent of the property owner shall be legally responsible for directly and indirectly allowing, permitting, causing or failing to prohibit the occupancy of a dwelling unit by more than three (3) unrelated persons.

Sec. 2.03.09. Multifamily residential districts are divided into three (3) categories: apartments (RM-1), fee simple town homes (RM-2) and condominiums (RM-3).

Sec. 2.03.10. Multifamily Residential District—Apartments—RM-1

A. Permitted Uses.

1. Multiple family dwellings, excluding fee simple townhouses, fee simple condominiums, and hotels and motels regardless of intended duration of occupation.

2. Local, state and federal governmental buildings.

3. Publicly owned and operated parks and recreation areas.

4. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

B. Accessory Uses. None.

C. Conditional Uses. None.

D. Conditional Exceptions. None.

E. Development Standards. The following development standards shall apply except to the extent permitted under subsection I. *Increased Density Provisions* of this section:

a. Per acre that is located outside of the one hundred (100) year flood plain	Four (4) apartment dwelling units.
b. Minimum lot width	One hundred feet (100').
c. Minimum front yard	Sixty feet (60') from right-of-way line.
d. Minimum side yard	Twenty feet (20').
e. Minimum distance between buildings	Forty feet (40').

f. Minimum rear yard	Forty feet (40′).
g. Maximum height	The lesser of forty-five feet (45′) or four (4) stories.
h. Minimum floor area (heated space)	Nine hundred (900) square feet for a one (1) bedroom unit; one thousand two hundred (1,200) square feet per two (2) bedroom unit; and for three (3) or more bedroom units, two hundred (200) additional square feet per bedroom.
i. Curb and gutter	Required.
j. Paved driveway	Required; located in rear of residential structure.
k. Public alleyway	Required.
l. Public sewage system	Required.
m. Public water system	Required.
n. Parking	Required; for units without residential parking garages, two (2) off-street parking spaces for each one (1) or two (2) bedroom apartment and one (1) additional off-street parking space for each additional bed-room are required. For units with a residential parking garage, one (1) additional off-street parking space is required for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as off-street parking spaces in satisfaction of this requirement.
o. Residential parking garage	A residential parking garage is required for at least twenty-five percent (25%) of the units; such structures shall be attached to the main structure.
p. Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4″) in depth and four feet (4′) in width and located at least four feet (4′) from the backside of the curb so as to provide a buffer between the street and sidewalk. A multi-use path, as described in subparagraph (q), may be substituted for a sidewalk.
q. Multi-use paths	(1) Multi-use paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development.
	(i) To ensure the greatest practicable connectivity, multi-use paths shall be located in accordance with either or a combination of both of the following plans: (1) multi-use paths constructed along the perimeter of the development

	shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multi-use paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multi-use paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.
	(ii) The land owner or developer shall extend the multi-use path from the development to the nearest commercial area outside the development or to the nearest existing multi-use path that provides such connectivity. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the City, funds equal to the amount which would be expended by the developer to design and construct the multi-use path extension required under this subsection; (2) the City confirms that the funds deposited will be used for design and construction of a multi-use path benefitting the public at large, consistent with applicable law; (3) the City votes to accept such funds and exercise the right to reduce, eliminate or modify the multi-use path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the City places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multi-use path requirement under this subsection, the City shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multi-use path in a more cost-efficient manner than would be provided by the developer.
	(iii) Multi-use paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multi-use paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multi-use path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width a the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt.
	(iv) The developer or land owner shall grant the appropriate easement so that the public may use the multi-use paths or dedicate the multi-use path to the City for public use.
	(v) Multi-use paths shall be constructed of concrete, asphalt, some pervious

	material approved by the City or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt), and it shall have a life span comparable to or better than that of asphalt. Multi-use paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r. Central garbage facility	Required development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s. School children waiting area	A covered structure to house school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district.
	(i) The structure must be built of sufficient size to house all children of school age residing within the development.
	(ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

F. Amenities. Where a development built under these standards includes any combination of RM-I, RM-2 or RM-3 districts, the required amenity package may be consolidated. The City shall determine the required amenity package at the time of zoning.

1. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool and a children's play area, and, if subject to the requirements in subsection I. *Increased Density Provisions*, below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities, or such other amenities of equal or greater value as the City Council may approve:

• A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

• Tennis courts—one lighted and enclosed facility featuring a minimum of two (2) playing courts.

• Walking trails—at least two thousand feet (2,000′) in length, three feet (3′) in width. Multi-use paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4′) of the width is solely for pedestrian use.

• A central park or pocket park; unless approved by City Council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

• A baseball field—(reg.) regulation size.

• A baseball field—(LL) little league size.

• A softball field regulation size—(adult).

• A soccer field—regulation size.

• A multi-use field—football and soccer.

• A multi-use field—football and baseball.

• A football field—regulation size.

• A lake—with fishing dock and boat access.

• A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet (8′) in height.

G. Residential Facades. Within a development built under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the City Council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

H. Maximum Density. Except as otherwise provided in subsection I. *Increased Density Provisions* below, the maximum permitted density for a multiple-family development shall be four (4) apartment dwelling units per acre.

I. Increased Density Provisions.

1. Apartment developers may request an increase in density up to eight (8) apartment dwelling units per usable acre.

2. If an applicant seeks increased density under this subsection, the following rules shall apply:

a. Applicant must establish, with multiple surveys and calculations certified by a registered engineer, that increasing the maximum height of the structures to be constructed in a manner not to exceed four (4) stories will permit the increased number of dwelling units to occupy land equal to or less than the amount of land which would be otherwise occupied by the number of multi-family units that could ordinarily be constructed on the property under the provisions of this section.

b. Applicant shall construct the required amenities under subsection F, above.

c. Applicant shall construct the additional amenities based upon the number of apartment units included in each development, as follows:

Units	Amenities Required
0—25	Required amenities
26—50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

d. None of the facilities referred to in this section may be used jointly for complying with the foregoing requirements.

e. All areas that are not transferred as provided under the definition of net useable acres, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or for the apportioned dwelling units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

f. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

J. Building Facades. Building facades should consist of no less than seventy percent (70%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the Mayor and Council.

K. Applicant shall provide, for units without a residential parking garage, two (2) off-street parking spaces for each one (1) bedroom apartment and three (3) off-street parking spaces per dwelling unit with two (2) or three (3) bedrooms and one (1) additional off-street parking space per apartment with over three (3) bedrooms. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this provision.

L. Buffer. Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

M. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Appendix A. Master List of Acronyms and Definitions.

N. Miscellaneous Provisions.

1. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the City reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the City, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the City; (2) if the City declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a non-profit organization after such organization has been approved by the City to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

O. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

P. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

Q. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the City prior to building permits being issued.

R. All yards referenced in this code section shall be sodded yards.

S. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

Sec. 2.03.10. Multiple Family Residence District—Townhouses—RM-2.

A. Purpose. It is the intent of this district to provide for the development of fee simple townhouses at moderate to high densities on lots where public water and sewer systems are provided.

B. Definitions. These definitions apply to this Sec. 2.03.10, only.

"Lot" shall mean that parcel of land used to develop more than one (1) townhouse unit as part of a common development, rather than each individual parcel of real property owned in fee simple by the individual townhouse owner.

"Townhouse" shall mean a fee simple townhome and the land upon which it is located, which is a type of dwelling unit normally having two (2), but sometimes three (3), stories; connected to another townhouse by a common wall that entirely adjoins the dwelling units; and commonly sharing ownership in common the surrounding grounds.

C. Permitted Uses.

1. Fee simple townhouses;

2. Local, state and federal governmental buildings;

3. Publicly owned and operated parks and recreation areas;

4. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

D. Accessory Uses. None.

E. Conditional Uses. Upon application to and recommendation by the zoning advisory board, and favorable decision thereon by the City Council, the following conditional uses are permitted in this district:

There may be an exception to the definition townhome granted where, for instance, the contour, shape, size, location, geology and topography of the land do not allow the adjoining common walls to be connected in their entirety. If any such exception is granted, the units shall be one hundred percent (100%) brick or stone on all exterior facades.

F. Conditional Exceptions. None.

G. Development Standards. The following development standards shall apply except to the extent permitted under subsection K. *Increased Density Provisions* of this section:

a. Per acre that is located outside of the one hundred (100) year flood plain	Five (5) townhouse dwelling units per acre.
b. Minimum lot width	One hundred (100) feet.
c. Minimum unit width	Twenty (20) feet.
d. Minimum front yard	Twenty (20) feet from right-of-way line.
e. Minimum distance between buildings	Forty (40) feet.
f. Minimum rear yard	Thirty (30) feet.
g. Maximum height	The lesser of forty-five (45) feet or four (4) stories.
h. Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1) bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; one thousand four hundred (1,400) square feet per three (3) bedroom unit; and two hundred (200) additional square feet per additional bedroom.
i. Maximum units per building	Five (5).
j. Curb and gutter	Required.
k. Paved driveway	Required; located in rear of building.
l. Private alleyway	Required.
m. Public sewage system	Required.
n. Public water system	Required.

o. Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
p. Residential parking garage	A residential parking garage is required for each unit; such structures shall be attached to the main structure, and only accessible from the rear of the building. A private alleyway for access to all garages is required.
q. Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multi-use path, as described in subparagraph (r), may be substituted for a sidewalk.
r. Multi-use paths	(1) Multi-use paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development.
	(i) To ensure the greatest practicable connectivity, multi-use paths shall be located in accordance with either or a combination of both of the following plans:
	(I) multi-use paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multi-use paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multi-use paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.
	(ii) The land owner or developer shall extend the multi-use path from the development to the nearest commercial area outside the development or to the nearest existing multi-use path that provides such connectivity. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the City, funds equal to the amount which would be expended by the developer to design and construct the multi-use path extension required under this subsection; (2) the City confirms that the funds deposited will be used for design and construction of a multi-use path benefitting the public at large, consistent with applicable law; (3) the City votes to accept such funds and exercise the right to reduce, eliminate or modify the multi-use path requirement

	in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the City places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multi-use path requirement under this subsection, the City shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multi-use path in a more cost-efficient manner than would be provided by the developer.
	(iii) Multi-use paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multi-use paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multi-use path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt.
	(iv) The developer or land owner shall grant the appropriate easement so that the public may use the multi-use paths or dedicate the multi-use path to the City for public use.
	(v) Multi-use paths shall be constructed of concrete, asphalt, some pervious material approved by the City or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multi-use paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
s. Central garbage facility	Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
t. School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district.
	(i) The structure must be built of sufficient size to house all children of school age

	residing within the development.
	(ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

H. Amenities. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The City shall determine the required amenity package at the time of zoning.

1. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children's play area. If subject to the requirements in subsection K. *Increased Density Provisions* below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value as the City Council may approve:

• A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

• Tennis courts—one lighted and enclosed facility featuring a minimum of two (2) playing courts.

• Walking trails—at least two thousand feet (2,000') in length, three feet (3') in width; multi-use paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

• A central park or pocket park; unless approved by City Council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

• A baseball field—(reg.) regulation size.
• A baseball field—(LL) little league size.
• A softball field—regulation size (adult).
• A soccer field—regulation size.
• A multi-use field—football and soccer.
• A multi-use field—football and baseball.
• A football field—regulation size.
• A lake—with fishing dock and boat access.

• A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

I. Residential Facades. Within any development built under the standards of this district, a minimum of twenty percent (20%) of the townhome units shall be brick on all exterior facades, and twenty percent (20%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. In addition, thirty percent (30%) of the townhome units shall have a front facade consisting entirely of stucco, stone, brick or any combination thereof. The remaining fifty percent (50%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank, other masonry siding, wood or any combination thereof. Of the ten percent (10%) of the townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the City Council. Vinyl or aluminum siding shall not be permitted, except by variance.

J. Maximum Density. Except as otherwise provided for in subsection K. *Increased Density Provisions* below, the maximum permitted density for a multiple-family development shall be five (5) townhouse dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

K. Increased Density Provisions.

1. Townhouse developers may request an increase in density up to eight (8) townhouse dwelling units per usable acre.

2. If an applicant seeks increased density under this subsection, the following rules shall apply:

a. Applicant must construct the required amenities under subsection H. Amenities, above.

b. Applicant must construct the additional amenities based upon the number of townhouses included in each development, as follows:

Units	Amenities Required
0—25	Required amenities
26—50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

c. None of the facilities referred to in this section may be used jointly for complying with the foregoing requirements.

d. All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or used for the townhomes themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

e. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

f. No less than thirty-five percent (35%) of all townhome units shall be brick on all exterior facades, and thirty-five percent (35%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. Of those thirty-five percent (35%) townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining thirty percent (30%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank or any other masonry siding, wood or any combination thereof. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

L. Buffer. Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

M. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Appendix A. Master List of Acronyms and Definitions.

O. Miscellaneous Provisions.

1. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such

land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

P. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

Q. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

R. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the City prior to building permits being issued.

S. All yards referenced in this code section shall be sodded yards.

T. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

Sec. 2.03.11. Multiple Family Residence District—Condominiums—RM-3.

A. It is the intent of this district to provide for the development of fee simple condominiums at moderate to high densities on lots where public water and sewer systems are provided.

B. Definitions. These definitions will apply to this subsection, only.

"Lot" shall mean that parcel of land used to develop more than one (1) condominium unit as part of a common development.

"Condominium" shall mean a system of separate ownership of individual units connected to another condominium by a common wall that adjoins the dwelling units in a multiple unit building whereby ownership of individual units is in fee simple, together with an undivided (or shared) ownership interest in certain common property referred to as common elements.

C. Permitted Uses.

1. Fee simple condominiums;

2. Local, state and federal governmental buildings;

3. Publicly owned and operated parks and recreation areas;

4. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

D. Accessory Uses. None.

E. Conditional Uses. None.

F. Conditional Exceptions. None.

G. Development Standards. The following development standards shall apply except to the extent permitted under subsection L. *Increased Density Provisions*, below:

a. Per acre that is located outside of the one hundred (100) year flood plain	Six (6) condominium dwelling units per acre.
b. Minimum lot width	One hundred feet (100').
c. Minimum front yard	Sixty feet (60') from right-of-way line.
d. Minimum rear yard	Forty feet (40').
e. Minimum distance between buildings	Forty feet (40').
f. Maximum height	The lesser of forty-five feet (45') or four (4) stories.
g. Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1) bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; and for units with three (3) or more bedrooms, two hundred (200) additional square feet per additional bedroom.
h. Maximum units per building	Eight (8).

i. Curb and gutter	Required.
j. Paved driveway	Required; located in rear of residential structure.
k. Private alleyway	Required.
l. Public sewage system	Required.
m. Public water system	Required.
n. Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages or carports are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
o. Residential parking garage/carport	Either a residential parking garage or carport is required for each unit; such structures shall be attached to the main structure and only accessible from the rear of the building. A private alleyway for access to all garages is required.
p. Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multi-use path, as described in subparagraph (q), may be substituted for a sidewalk.
q. Multi-use paths	Multi-use paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development.
	To ensure the greatest practicable connectivity, multi-use paths shall be located in accordance with either or a combination of both of the following plans: (i) multi-use paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multi-use paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multi-use paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

	(ii) The land owner or developer shall extend the multi-use path from the development to the nearest commercial area outside the development or to the nearest existing multi-use path that provides such connectivity. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the City funds, equal to the amount which would be expended by the developer to design and construct the multi-use path extension required under this subsection; (2) the City confirms that the funds deposited will be used for design and construction of a multi-use path benefitting the public at large, consistent with applicable law; (3) the City votes to accept such funds and exercises the right to reduce, eliminate or modify the multi-use path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the City places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multi-use path requirement under this subsection, the City shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multi-use path in a more cost-efficient manner than would be provided by the developer.
	(iii) Multi-use paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multi-use paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multi-use path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt.
	(iv) The developer or land owner shall grant the appropriate easement so that the public may use the multi-use paths or dedicate the multi-use path to the city for public use.
	(v) Multi-use paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multi-use paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for

	pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r. Central garbage facility	Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s. School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district.
	(i) The structure must be built of sufficient size to house all children of school age residing within the development.
	(ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

H. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children's play area. If subject to the requirements in subsection L. *Increased Density Provisions*, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value as the city council may approve:

• A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

• Tennis courts—one lighted and enclosed facility featuring a minimum of two (2) playing courts.

• Walking trails—at least two thousand feet (2,000') in length, three feet (3') in width; multi-use paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

• A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

• A baseball field—(reg.) regulation size.

• A baseball field—(LL) little league size.

• A softball field—regulation size (adult).

• A soccer field—regulation size.

• A multi-use field—football and soccer.

• A multi-use field—football and baseball.

• A football field—regulation size.

• A lake—with fishing dock and boat access.

• A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

I. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The City shall determine the required amenity package at the time of zoning.

J. Residential Facades. Within any development developed under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the city council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

K. Maximum Density. Except as otherwise provided for in subsection L. *Increased Density Provisions* below, the maximum permitted density for a multiple-family development shall be six (6) condominium dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

L. Increased Density Provisions.

1. Condominium developers may request an increase in density up to eight (8) condominium dwelling units per usable acre.

2. If an applicant seeks increased density under this subsection, the following rules shall apply:

a. Applicant shall construct the required amenities under subsection H. Amenities, above.

b. Applicant shall construct the additional amenities based upon the number of condominium units included in each development, as follows:

Units	Amenities Required
0—25	Required amenities
26—50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

c. None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

d. All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or used for the condominium units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

e. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

f. Building facades shall consist of no less than seventy-five percent (75%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

g. Applicant shall maintain a thirty foot (30′) planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

M. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Appendix A. Master List of Acronyms and Definitions.

N. Miscellaneous Provisions.

1. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of

which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

2. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

3. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

4. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the City prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other ordinance or code provision, the terms of this section shall control.

O. Conversion Subject to Approval by the City.

1. Prior Written Approval. No property zoned for multifamily residential use pursuant to Sec. 2.03.08. *RM, Multifamily residential district,* Sec. 2.03.10. *Multifamily Residential District—Apartments—RM-1,* Sec. 2.03.10. *Multiple Family Residence District—Townhouses—RM-2* or Sec. 2.03.11. *Multiple Family Residence District—Condominiums—RM-3* or zoned for multifamily residential use prior to March 10, 2003, and located within the corporate limits of the city, shall be converted to any other permitted use without first obtaining written approval of the mayor and city council.

2. Application for Conversion. Application for conversion of multifamily residential property to another permitted use must be made on forms provided by the city and include, at minimum the following information:

a. Name, mailing address, and at least two (2) phone numbers of the person, corporation, partnership or other legal entity desiring approval; and if titled in a corporate entity, limited liability company, partnership or other non-individual entity, the application must include the names and addresses of the corporate officers, controlling shareholders, members, and partners, as applicable;

b. Physical address of property;
c. Legal description of property;
d. Current zoning;
e. Proposed change in use;

f. Plat of survey bearing the seal of a certified surveyor indicating all boundaries, easements, public utilities, and subdivision of lots;

g. Sworn affidavit by the applicant or applicant's agent that the application conforms to the requirements of Chapter 8.32 of the city code regarding subdivisions and Chapter 8.36 of the city code regarding zoning.

3. Review by Zoning Advisory Board. Within ten (10) calendar days of receipt of a properly completed application, the development director shall forward a copy of the application to the zoning advisory board (ZAB). Said transmission shall serve as a request to the ZAB for their review and comment. The development director shall note any compliance issues regarding City building, subdivision or zoning regulations. The development director shall submit a written executive summary directly to mayor and city council within sixty (60) calendar days of submission of the application to the ZAB.

4. Compliance with the City of Stockbridge Zoning Ordinance. Conversion of multifamily residential property to another permitted use is conditioned upon demonstrated compliance with all applicable zoning laws and regulations of the City, Henry County, and any applicable state agency prior to approval by mayor and council.

5. Compliance with Building Requirements. Conversion of multifamily residential property to another permitted use is conditioned upon demonstrated compliance with all applicable building laws and regulations of the City, Henry County, and any applicable state agency prior to approval by mayor and council.

6. Compliance with Subdivision Requirements. Conversion of multifamily residential property to another permitted use is conditioned upon demonstrated compliance with all applicable subdivision laws and regulations of the City, Henry County, and any applicable state agency prior to approval by the mayor and council.

7. Public Dedication of Streets. Without limitation on the foregoing, conversion to townhouses or condominiums shall not be approved by the mayor and council without demonstrated compliance with the Subdivision Ordinance of the City Code, which prohibits the location of private streets within a subdivision without the express consent of the mayor and council.

8. Construction of Streets. Without limitation on the foregoing, conversion to townhouses or condominiums shall not be approved by the mayor and council without demonstrated compliance with the Subdivision Ordinance of the City Code, which set forth design specifications and regulations for public streets.

9. Water Meter Compliance.

a. Multiple-Family Residence (Apartments) Conversion to Townhouses. Conversion from a multiple-family residential district to fee simple townhouse residential development shall not be approved by the mayor and council without prior installation of individual meters for water and sewer service for each townhouse unit.

b. Townhouse Conversion to Either Apartments or Condominiums. Conversion from fee simple townhouse residential development to either multiple-family residences or condominiums shall not be approved by the mayor and council without prior installation of a master meter for water and sewer service.

10. Action by the Mayor and Council.

a. Notice and Hearing. Within sixty (60) calendar days of receipt of a report from the development director, the mayor and council shall hold public hearing on the application, following public notice and due notice to the applicant at least ten (10) calendar days prior to the scheduled hearing accordance with Chapter 8.36 of the city code. At the hearing, any party may appear in person or by agent or by attorney.

b. Decisions by the Mayor and Council. At the duly noticed hearing, the mayor and council shall entertain public comment and any presentation by the applicant. The decision by the mayor and council shall be final. Any party aggrieved by the final decision may appeal said decision to a court of competent jurisdiction.

Sec. 2.03.09. Reserved.

Sec. 2.03.10. *RMH, Mobile or manufactured home development district.*

A. Purpose. It is the purpose of this district to accommodate mobile home developments in accordance with the procedures, requirements and limitations set forth in Article IX of this chapter. Within such developments, mobile home developments may be established subject to the requirements

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

B. Permitted Uses.

1. Mobile homes on individual lots.

2. Mobile home developments and communities including mobile home parks and subdivisions.

3. Manufactured housing.

4. Local, state and federal governmental buildings.

5. Publicly owned and operated parks and recreation areas.

C. Accessory Uses.

1. One (1) office/maintenance building incidental to use by residents of a mobile home park.

2. Commercial and service establishments intended to serve only persons within the mobile home park when located within mobile home parks and occupying not more than three (3) percent of the total land area of the mobile home park.

3. Home occupations.

4. No mobile home sales or repair facilities of any type (including automobile repair) shall be permitted.

D. Conditional Uses. None.

E. Conditional Exceptions. None.

Table 2.03.10. *RMH Development Standards*

Minimum lot area	• 25,000 square feet with septic system and county water • 18,000 square feet with public sewer and county water
Minimum lot width	125 feet
Minimum front yard setback	60 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	40 feet

Maximum height	35 feet
Minimum heated floor area	720 square feet

Sec. 2.04.00. Establishment of commercial, office and institutional districts; development standards

The following sections present those development standards that must be met in the respective commercial, office and institutional districts established in this ZONING CODE.

Sec. 2.04.01. *O-I, Office-institutional district.*

A. Purpose. The office/institutional district is intended to encourage development of suitable business and professional enterprise, hospitals, medical and dental facilities of a character and density deemed compatible with the primary purpose of this district. Limited retail uses normally appurtenant to office/institutional uses are also permitted.

B. Permitted Uses.

1. Churches and similar religious facilities.

2. Clubs and lodges of a business character.

3. Colleges and universities, business colleges, vocational-technical schools.

4. Hospitals and clinics, but not veterinary facilities.

5. Libraries, museums and art galleries.

6. Medical and dental clinics and offices.

7. Nursing and rest homes.

8. Professional and business offices providing that wholesale or retail merchandise is not offered for sale.

9. Public and governmental buildings and offices.

10. Retail uses in conjunction with and normally appurtenant to office/institutional uses, to include florist shops, cafeterias and snack shops located within office or medical buildings, pharmacies and gift shops.

11. Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

12. Nursery schools, kindergarten schools, and day care centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. A decorative obscuring fence of at least four (4) feet in height may be used when adjacent to residential zoned property. State license required.

C. Accessory Uses. Parking lots and parking structures of a commercial nature.

D. Conditional Uses. None.

E. Conditional Exceptions. None.

Development standards of the O-I District are described in Table 2.04.01.

Table 2.04.01. *O-I Development Standards*

Minimum lot area	20,000 square feet
Minimum lot width	125 feet with septic system, 100 feet with public sewer
Minimum front yard setback	50 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	20 feet
Maximum height	Six (6) stories

Sec. 2.04.02. *C-1, Neighborhood commercial district.*

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

B. Permitted Uses.

1. Apparel stores.

2. Automobile service stations; provided that petroleum derivatives are stored in accordance with safety requirements of existing county ordinances pertaining thereto, and that all pumps and structures are placed not less than fifteen (15) feet from the nearest right-of-way line of any street or highway;

provided further, that where any lot line of any service station property abuts other property of any residential zoning classification there shall be a yard space of not less than forty (40) feet from those lines of such property which are not also right-of-way lines of a street or highway in which no gasoline pumps or any standing structures shall be installed or constructed; provided also, that the property upon which an automobile service station is established and operated shall have at least one (1) frontage or an arterial or a major collector street for a minimum of one hundred (100) feet, and said lot shall be at least one hundred (100) feet in depth.

3. Antique and art shops, provided there are no outdoor display areas.

4. Banks, including drive-in banks, provided that both the teller's cage and vehicles awaiting service are located completely off the public right-of-way and provision is made to accommodate a minimum of five (5) waiting vehicles per service window.

5. Bakeries, whose entire products are sold at retail on the premises.

6. Barber shops, beauty parlors and similar personal service establishments.

7. Bicycle sales and repair shops.

8. Books, stationery and card shops.

9. Business and professional offices.

10. Clothes cleaning agencies, pressing establishments, laundry pickup stations.

11. Catering establishments.

12. Confectionary (candy) stores.

13. Custom dress making or millinery shops.

14. Dog and cat grooming and supplies, but excluding pet sales and facilities for the overnight keeping of animals.

15. Drug stores and apothecary shops.

16. Dry goods, notions.

17. Electrical appliance repair shops.

18. Florist and gift shops.

19. Gift and card shops.

20. Grocery, fruit, vegetable, and meat markets, including supermarkets, but no killing, eviscerating, skinning, plucking or smoking of food products is permitted.

21. Indoor recreation including bowling alleys, theaters, pool rooms and electronic machines.

22. Hardware and appliance stores selling predominantly at retail.

23. Jewelry stores.

24. Laundromats.

25. Loan offices.

26. Music stores.

27. Neighborhood shopping centers.

28. News and tobacco shops.

29. Package (beer and wine) stores.

30. Paint and decorating stores.

31. Photographers (including the sale of supplies and equipment).

32. Public and governmental buildings.

33. Quick copy print shops when employing not more than five (5) employees.

34. Radio/television repair (including the sale of supplies and equipment).

35. Restaurants when a part of a neighborhood shopping center.

36. Shoe stores and shoe repair shops.

37. Tailors and clothing shops.

38. Taxi office.

39. Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

40. Nursery schools, kindergarten schools, and day care centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. A decorative obscuring fence of at least four (4) feet in height may be used when adjacent to residential zoned property. State license required.

C. Accessory Uses. Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the city, the following conditional uses are permitted in this district:

1. Churches, synagogues, chapels and other places of religious worship or educational instruction unless the city has specifically found health or safety issues which advise against such a conditional use.

E. Conditional Exceptions. None.

Development standards of the C-1 District are described in Table 2.04.02.

Table 2.04.02. *C-1 Development Standards*

Minimum lot area	10,000 square feet
Minimum lot width	60 feet
Minimum front yard setback	50 feet
Minimum side yard setback	None, except corner lots shall have a minimum street side yard of 30 feet
Minimum rear yard setback	20 feet
Maximum height	35 feet

Sec. 2.04.03. *C-2, General commercial district.*

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

B. Permitted Uses.

1. Any use permitted in the C-1 district.

2. Ambulance service.

3. Auction gallery.

4. Automobile wash.

5. Automobile service centers and stations, but not including major repair, body and fender work or painting, provided that all structures and buildings except principal use signs and including storage tanks shall be located not less than twenty-five (25) feet from any side or rear property lines except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets, including gasoline pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If the automobile service station is located on a corner lot, the

means of ingress and egress provided shall be not less than twenty (20) feet from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of vehicular or pedestrian traffic.

6. Bus terminals.

7. Business and commercial schools.

8. Community and regional shopping centers.

9. Dancing schools including group instruction.

10. Department stores.

11. Drive-in configurations of any business otherwise permitted in this district; provided, that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles; and further provided that there be a sturdy, close woven or solid fence suitable for the retaining of any discarded paper or other material on all sides of the parking area except the front; and provided that no music or loudspeaker system shall be installed or operated that can be heard at neighboring residential, motel or motor hotel properties; and providing all lighting shall be directed and shielded so as to light only the property of such establishment.

12. Furniture stores.

13. Professional type assembly and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

14. Offices.

15. Parking lots and structures.

16. Pawn shops.

17. Pet shops.

18. Printing, job, when mechanical operation is not visible from a street, and employing not more than four (4) persons.

19. Radio and television stations, except transmission towers over thirty-five (35) feet high.

20. Restaurants.

21. Stationery and office machines sales and service.

22. Upholstery shops.

23. Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is at least on (1) square foot or more of office, sales and

display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.

24. Other uses as may be determined by the planning staff to be similar and compatible with the above listed permitted uses.

C. Accessory Uses. Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Animal hospital or clinic, provided there are no outside runs or pens.

2. Building and lumber supply establishments.

3. Clubs and lodges.

4. Funeral homes.

5. Gasoline service stations which conduct major automotive repair.

6. Greenhouses and nurseries including landscape service.

7. Mortuaries and crematoriums.

8. Outdoor amusement enterprises, including pony riding, miniature golf, carnivals and bazaars.

9. Radio/television transmission towers over thirty-five (35) feet high.

10. Churches, synagogues, chapels and other places of religious worship or educational instruction unless the city has specifically found health or safety issues which advise against such a conditional use.

B. Development standards of the C-2 District are described in Table 2.04.03.

Table 2.04.03. *C-2 Development Standards*

Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	50 feet
Minimum side yard setback	None, except corner lots shall have a minimum street side yard of 30 feet

Minimum rear yard setback	20 feet
Maximum height	35 feet

Sec. 2.04.04. *C-3, Heavy commercial district.*

A. Purpose. This district is intended 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 the need to transport and display heavy bulk materials, generate heavy traffic, and which provide services that would not be appropriately located in areas providing neighborhood or general commercial retail and service activities as permitted in the C-1 and C-2 districts. Neat and orderly outside storage is permitted in conjunction with permitted uses and conditional uses. Uses in this district shall be located on roads having a minimum classification of major arterial.

B. Permitted Uses.

1. Automobile and truck sales.

2. Boat sales.

3. Commercial kennels for boarding of pets.

4. Dry cleaning plants not employing more than twenty (20) persons.

5. Farmers' market.

6. Feed and seed stores.

7. Heavy equipment sales and service.

8. Major automotive repair.

9. Mini-warehouses and warehouses without outdoor storage.

10. Mobile home sales lots.

11. Motels and hotels.

12. Outdoor theaters.

13. Recreational vehicle sales and service.

14. Tire retreading.

15. Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.

16. Used car and truck sales.

17. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the planning staff to be similar to the above-listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

C. Accessory Uses. Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

1. One (1) dwelling unit may be established for security personnel, management personnel, or the facility owner for one mini-warehouse facility or warehouse/self-storage facility without outdoor storage.

D. Conditional Uses.

1. Travel trailer/recreation vehicle parks having a minimum lot area of five (5) acres.

2. Radio/television transmission towers over thirty-five (35) feet high.

3. Churches, synagogues, chapels and other places of religious worship or educational instruction unless the City has specifically found health or safety issues which advise against such a conditional use.

E. Conditional Exceptions. None.

F. Development standards of the C-3 District are described in Table 2.04.04.

Table 2.04.04. *C-3 Development Standards*

Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	70 feet
Minimum side yard setback	None, except corner lots shall have a minimum street side yard of 30 feet
Minimum rear yard setback	20 feet
Maximum height	Six (6) stories

Sec. 2.05.00. Establishment of industrial districts; development standards

The following sections present those development standards that must be met in the respective industrial districts established in this ZONING CODE.

Sec. 2.05.01. *M-1, Light manufacturing.*

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

B. Permitted Uses.

1. Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

2. Armories.

3. Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

4. Bottling plants.

5. Cabinet shops.

6. Canning plants.

7. Clinics, cafeterias, employee credit unions and recreational facilities for employees only.

8. Cold storage, ice plants and freezer lockers.

9. Cosmetics and pharmaceuticals.

10. Dairy plants and ice cream manufacturing.

11. Distribution of products and merchandise.

12. Dry cleaning and laundering establishments.

13. Education and training facilities.

14. Electrical appliance and equipment, sales and repairs.

15. Electronic manufacturing and assembly plants.

16. Fabricating shops such as woodworking, upholstery and sheet metal shops.

17. Garages, repair shops and machine shops.

18. Machine shop.

19. Offices and administrative facilities.

20. Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

21. Printing, publishing and reproducing establishments.

22. Sign painting and fabricating shops.

23. Textile manufacturing plants.

24. Wholesaling or warehousing.

25. Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

C. Accessory Uses. Those determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Airports and heliports.

2. Radio and television transmission towers over thirty-five (35) feet high.

E. Conditional Exceptions.

1. Caretakers' quarters.

2. One (1) mobile home for use as temporary office.

Development standards of the M-1 District are described in Table 2.05.01.

Table 2.05.01. *M-1 Development Standards*

Minimum lot area	30,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	70 feet
Minimum side yard setback	None, except corner lots shall have a minimum street side yard of 30 feet
Minimum rear yard setback	20 feet
Maximum height	35 feet

Sec. 2.05.02. *M-2, Heavy manufacturing district.*

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

B. Permitted Uses.

1. Any use permitted in the M-1 light manufacturing district, provided there is no generation of nuisance conditions or hazardous wastes.

2. Acid manufacture and storage.

3. Bulk petroleum plants.

4. Cement, lime, gypsum or plaster or Paris manufacture.

5. Ceramic products, limited to use of electric kilns.

6. Commercial livestock processing or feedlots.

7. Concrete, cement products or clay products manufacture.

8. Feed, grain, or fertilizer manufacture or storage.

9. Food processing plants.

10. Foundry or forging plants.

11. Grain elevators.

12. Ice manufacture, including dry ice plants.

13. Lumber yard for wholesaling of building products.

14. Planing and sawmills.

15. Poultry killing, plucking or processing plants.

16. Railroad yards.

17. Recycling centers.

18. Rock, sand or gravel distribution or storage.

19. Sheet metal products.

20. Tinsmith/roofing operations.

21. Truck terminals.

22. Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

C. Accessory Uses. Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

D. Conditional Uses. Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

1. Airports and landing areas.

2. Radio/television transmission towers over thirty-five (35) feet high.

3. Asphalt and concrete batching plants.

4. Central mixing plants for cement, mortar, plaster or housing materials.

5. Development of natural resources, including the removal of minerals and natural materials, together with necessary buildings and machinery, provided:

A. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this chapter shall be considered as a new operation and shall be subject to requirements herein.

B. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and livestock.

C. At the time of application for use permit the owners or operators of the quarry shall present to the commissioners comprehensive plans for the re-use of the property at the cessation of the quarry operation.

6. Salvage and junkyards, provided any such use is screened from public view by a solid wall, planted screen or similar opaque partition at least six (6) feet in height, and provided such wall or opaque partition is set back at [least] one hundred (100) feet from all property lines.

7. Sanitary landfills when designed and operated in accordance with provisions of this chapter and complying with regulations of the Georgia Environmental Protection Division.

E. Conditional Exceptions:

1. Caretakers' quarters.

2. One (1) mobile home for use as a temporary office.

Development standards of the M-2 District are described in Table 2.05.02.

Table 2.05.02. *M-2 Development Standards*

Minimum lot area	1.0 acre
Minimum lot width	150 feet
Minimum front yard setback	70 feet
Minimum side yard setback	None, except corner lots shall have a minimum street side yard of 30 feet
Minimum rear yard setback	40 feet
Maximum height	75 feet

Sec. 2.05.03. *X-1, Railroad District*. This district is intended to provide for railroad operations permitted in the city. Accessory uses and structures are also permitted.

A. Permitted uses

1. Railroad purposes.

2. Off-street parking.

B. Accessory uses and structures

1. Signs, provided that signs in excess of four (4) square feet are prohibited.

Sec. 2.06.00. Establishment of a mix of residential, office and institutional, commercial and industrial districts; development standards

The following sections present those development standards that must be met in the respective districts that accommodate a mix of several uses as established in this ZONING CODE.

Sec. 2.06.01. *MUND, Mixed-use Neighborhood Development district*. This district is intended to provide locations for office, institutional, personal services, single family dwellings, duplexes, cluster housing and multifamily residential uses. Accessory uses and structures are also permitted. Lots may be developed in a single use or may contain a mix of uses on a single development site. This district is intended to allow flexibility in application of development standards.

Development standards of the MUND District are described in Table 2.06.01.

Table 2.06.01. *MUND Development Standards*

Minimum lot area	10,890 square feet
Minimum lot width	75 feet
Minimum front yard setback	20 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	30 feet
Maximum height	Unlimited for new development, 75 feet for all other situations

NOTE: Zero lot line development is allowed by right as an optional development pattern for single family attached uses in the MUND zoning district.

Sec. 2.06.02. Reserved.

Sec. 2.07.00. Reserved.

Sec. 2.08.00. Establishment of the PTD, Planned town development district; development standards

Sec. 2.08.01. *Purpose*

A. The purpose of the Planned Town Development (PTD) district is to encourage development of compatible land uses within the framework of a master development plan for residential and nonresidential uses within an environmentally compatible setting. Tracts of 100 acres or larger are required for this district, except where a PTD consists entirely of a mixed use neighborhood development (MUND), that threshold may be reduced to 30 acres. The PTD district is designed to include residential and commercial, office, institutional (i.e., nonresidential), or industrial zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan. Such plans shall promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

B. The PTD sets forth a framework for traditional neighborhood development (TND) and MUND that encourages pedestrian-scale residential and nonresidential activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting traffic congestion and thereby improving air quality. MUND, in addition, incorporates multifamily dwellings into a PTD with an emphasis on vertical and horizontal integration of residential and nonresidential uses.

Conventional development (CD) is also permitted in a manner to promote clustering of dwellings. Each of these development types are designed to reserve areas for recreation and open space, enhance pedestrian and cyclist movement, and provide buffers between residential and nonresidential uses. A master development plan may contain one or more of these development types. In addition, net densities herein are in accordance with the benchmarks established by the Comprehensive Plan.

C. All PTDs shall be located on paved county/city roads with a minimum classification of arterial according to the Henry County Functional Road Plan. In most cases, each area within a PTD project developed for residential (including required open space and recreation amenities), commercial, office, institutional, or industrial land use shall be designated separately according to the master development plan unless a mix of uses within the site can better accomplish the goals established herein. Projects shall consist of more than one type of land use to be considered a PTD project.

Sec. 2.08.02. *Objectives*. A PTD district shall provide the following elements, as appropriate, to carry out the purpose of this section:

A. A range of residential settings, including various housing types, and community facilities/recreation activities;

B. Nonresidential land uses, if any, which provide convenient service, employment and access;

C. Conservation of natural topographic and geologic features with emphasis on the following:

1. Conservation of existing surface and ground water resources,

2. Preservation of large trees and other significant natural features,

3. Prevention of soil erosion.

D. An efficient, usable network of streets, sidewalks, nonautomotive routes and utilities appropriate to serve the uses within the PTD district;

E. Creation of a mix of uses that decreases reliance on automobiles and encourages the use of alternate transportation modes;

F. A master development plan to guide the PTD with specific development objectives that shall be included in conditions, covenants and restrictions.

Sec. 2.08.03. *Definitions*. For the purpose of this section, the following terms shall have the meaning immediately set forth after the term:

Alleys or alleyways. An alley or alleyway shall mean a private alley located in the rear of residential uses that provides residents with vehicular access to their residences. Alleys shall be maintained by the adjoining property owners, homeowners' associations or condominium/apartment associations. Alleys shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen feet (18') in width and sixteen feet (16') thereof shall be paved with concrete or asphalt.

Concrete alleys shall be reinforced and have a minimum depth of six inches (6") with appropriate base. Asphalt alleys shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder, and six inches (6") 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.

Amenity area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas and other active recreational facilities.

Central park. This term shall mean a park for active or passive recreational use consisting of no less than one (1) net useable acre. A central park should be located in the approximate center of the development.

Comprehensive plan. The comprehensive long-range plan containing policies to guide the growth and development of the city of Stockbridge, which includes the analysis, recommendations and proposals for the population, economy, housing, transportation, community facilities, and land use.

Conventional development (CD). Typical "cookie cutter" form of development along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for single-family homes, extensive use of buffering, landscaping and amenities, and commercial and/or industrial uses oriented to ease vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.

Density. The number of dwelling units (du) allowed for each net usable acre (nua), i.e., du/nua.

Density credits. The amount of additional density applicable to a type of development in the PTD according to performance criteria established herein.

Density debits. The amount of density deducted from the type of PTD development according to performance criteria established herein.

Du/nua. See density.

Garage, residential parking. A residential parking garage shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, ten feet (10'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

Loft-apartment. A loft-apartment is an apartment as defined in Appendix A. Master List of Acronyms and Definitions, but located in a mixed-use building above commercial or office space.

Loft-condominium. A loft-condominium is a condominium as defined in Appendix A. Master List of Acronyms and Definitions, but located in a mixed-use building above commercial or office space.

Master development plan. A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multi-use paths; parking facilities; common recreation and open space; public facilities and civic space; and all conditions, covenants and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.

Maximum net density. The absolute limit for number of dwelling units per net usable acre (du/nua) for a particular use or type of development except when increased or decreased by density credits or debits, respectively, but never to exceed the secondary limit when density credits are used. Note: Density for a particular use may vary within a development area so long as the overall density for that use in the PTD does not exceed the maximum net density for that particular use.

Mixed use neighborhood development (MUND). A MUND is a development designed to unify business, residential, civic and open space within the city of Stockbridge in a manner that increases the connection between work, home and place, decreases vehicle trips, and encourages alternative transportation modes. A MUND consists of areas of compact, urban residential development consisting of detached single family homes, townhouses, condominiums, lofts, and apartments with alleys (typically), rear garages (attached or detached), front porches (typically for single family detached homes and townhouses), balcony porches (typically for condominiums, lofts and apartments), pocket parks, formal parks, amenity and other civic areas, and planned streetscapes. Typically, MUND places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and residences above nonresidential uses. MUND also requires streets and sidewalks designed to accommodate and encourage pedestrian and bicycle traffic. A MUND contains a planned neighborhood center consisting of a mix of residential uses and nonresidential uses (commercial, office, institutional to a limited extent light manufacturing, civic space, and open space). Generally, nonresidential uses are limited in type and dimension to maintain the character of the development. Unlike TND, the number of lots of a PTD that may be developed as an MUND is limited only to the extent of the area and bulk restrictions set forth herein.

Net usable acre (nua). An acre of land on which residential structures may be built but, exclusive of streets; right of ways; one hundred (100) year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional, or industrial uses and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

Nonresidential uses. Those uses that are not residential uses, including but are not limited to: commercial, office, institutional, or industrial uses, streets, drives, and service/parking areas.

Open space. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments

and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.

Ownership types. These include all types of residential development including, but not limited to: single family, apartments, townhouses, condominiums, such that ownership may be fee simple, lease purchase, leased or rented and common ownership of open spaces, recreation facilities, and parking areas.

Perimeter of the development or pod. Where the property abuts adjoining property not included in the PTD master development plan or on adjoining pod of development under the same PTD master development plan but containing a different development type or use.

Planned industrial district. An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.

Planned town center or planned neighborhood center. An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of architectural design standards shall be created and approved prior to development of sites designated as planned town center.

Pocket park. A pocket park is a park for active or passive recreational uses consisting of no less than one-quarter (¼) of a net useable acre (or fourteen thousand two hundred fifty square feet (14,250 sq ft)).

Pocket parks may be consolidated provided that the development contains no fewer than one-half (½) the number required and that any consolidated pocket park does not exceed one (1) net useable acre (or forty-three thousand five hundred sixty square feet (43,560 sq ft)) nor contain less than one-half (½) a net useable acre (or twenty-one thousand seven hundred eighty square feet (21,780 sq ft)). The purpose of pocket parks is to provide open space for recreational use within walking distance of most residences especially those located farthest from amenity areas. Therefore, where required, pocket parks shall be scattered throughout the development but more greatly concentrated in those parts of the development which are the greatest walking distance from an amenity area.

Preliminary concept plan. A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

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

Public lands. The land area designated for general public use, not otherwise under the control of a homeowner or property owner association. This may include civic space as provided herein.

Residential land uses. Any variety of residence types as permitted herein and as shown on the approved master development plan.

Traditional neighborhood development (TND). A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street

trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflect back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to maintain harmony of the development. The number of TND lots shall be limited to fifty percent (50%) of the total residential lots of the development.

Townhouses. See Appendix A. Master List of Acronyms and Definitions.

Usable land area. Except for adjustments allowed herein, usable land area shall consist of the total net usable acres.

Sec. 2.08.04. *General Requirements for a Planned Town Development District*

A. Area. The minimum area required for a PTD district shall be 100 contiguous acres, except where a PTD consists entirely of a mixed use neighborhood development (MUND), that threshold may be reduced to 30 acres. City Council may approve PTD developments with fewer acres upon demonstration by the applicant that a smaller tract will meet the purposes and objectives of the PTD district and the City Council finds such development to be in the best interest of the City.

B. Ownership. The tract of land proposed for PTD development shall be held in single ownership, or if held in several ownerships, the application for zoning amendment shall be filed jointly by all owners of the properties included in the development. Any change in ownership, or change in anyone having a legal or equitable interest in the property subsequent to submission of the application and prior to completion of the development, shall be reported to the development director and the city council. Failure to provide information on property ownership status within 30 calendar days of a change in ownership shall be grounds for the City to withdraw any approval.

C. Location of a PTD district. The PTD district shall be located on arterial roads where public water and sanitary sewer facilities are available.

D. Entrances. A PTD of 100 acres shall have a minimum of two entrances. For every additional 100 acres or majority fraction thereof, an additional entrance shall be required and a minimum of one of such additional entrance shall access a different road (collector or greater) than that of any other entrance.

E. Interconnectivity. Roads, sidewalks, bicycle paths and walking trails in TND and/or MUND projects shall be interconnected to the greatest extent practicable.

Sec. 2.08.05. *Specific Requirements for Residential Uses in a PTD District.*

A. Residential Uses. Depending on the type of development, Traditional Neighborhood Development (TND), Conventional Development (CD) or Mixed Use Neighborhood Development (MUND),

dwellings may be single family detached, clustered or multifamily. The development standards for residential uses for TND, CD and MU projects are listed below:

Sec. 2.08.06. Traditional Neighborhood Development (TND).

A. The development standards of Table 2.08.06.A shall apply to traditional neighborhood development of single family dwellings (detached and cluster) in the PTD District.

Table 2.08.06.A. *TND development standards applicable to single family residential development.*

Maximum net density	4 du/nua, but may be increased to 4.75 du/nua with density
Minimum lot size	Variable; minimum of 5,500 square feet to 21,780 square feet
Minimum lot width	50 feet
Maximum lot width	100 feet
Minimum front setback	12 feet from back-of-curb
Maximum front setback	35 feet from back-of-curb
Minimum side yard	5 feet
Minimum rear yard	20 feet
Maximum height	40 feet
Minimum floor area	The mix of heated floor area per dwelling unit shall be as follows: • A maximum of 1/3 of the dwelling units shall have a minimum heated floor area of 1,800 square feet • A maximum of 1/3 of the dwelling units shall have a minimum heated floor area of 2,000 square feet • A minimum of 1/3 of the dwelling units shall have a minimum heated floor area of 2,200 square feet
Curb and gutter	Required
Paved driveway	Required

Sidewalks	Required
Streetlights	Required
Underground utilities	Required, (in alleys where possible)
Public sewer	Required
Public water	Required
Residential parking garage	Required, (in rear yard, only)
Alleys	Required; however, the requirement may be waived by city council, upon request, for single-family residences and townhouses located along the perimeter of the development or pod or where the city council determines that such waiver is necessary to protect and preserve specifically identified features of the land in their natural and undisturbed state. Notwithstanding this waiver, carports and garages shall be located in the rear of the dwelling.
Porches	Recommended
Recreation/Open space	As described in Sec. 2.08.03. Definitions
Concurrent construction requirement (with TND/CD Housing mix, if applicable)	2 TND to CD
Maximum number of lots	50 percent of total residential lots
Architectural requirements	Built in the fashion of the 1920's - 1940's turn of century dwellings in wood, Hardie plank, brick or stone. Metal or vinyl siding is allowed, subject to conditional approval by City Council and subject to density debits.

Sec. 2.08.07. Conventional Development (CD).

A. The development standards of Table 2.08.07.A shall apply to conventional development of single family dwellings (detached and cluster) in the PTD District.

Table 2.08.07.A. *CD development standards applicable to single family residential development.*

Maximum net density	2.5 du/nua but may be increased to 4 du/nua with density credits
Minimum lot size:	Variable; minimum of 8,000 square feet to 2.0 acres, with an overall with density credits
Minimum lot width	70 feet
Minimum front setback	25 feet from ROW line
Maximum front setback	70 feet from ROW line
Minimum side yard	10 feet
Minimum rear yard	30 feet
Maximum height	40 feet
Minimum floor area (heated space)	1/3 at 1,800 square feet
	1/3 at 2,000 square feet 1/3 at 2,200 square feet
Curb and gutter	Required
Paved driveway	Required
Sidewalks	Required
Streetlights	Required
Underground utilities	Required
Public sewer	Required
Public water	Required
Residential parking garage	Required
Alleys	Allowed
Recreational/Open space	As described in Sec. 2.08.03. Definitions

Architectural requirements	Same as single family residential under the MUND. Metal or vinyl siding possible, however, but subject to conditional approval by city council and density debits.

Sec. 2.08.08. Mixed Use Neighborhood Development (MUND).

A. Residential lots shall meet the following requirements depending on dwelling type:

1. Single family residential shall meet the same requirements for single family residential as provided for in a TND, except the maximum net density is four du/nua but may be increased to five du/nua with density credits. Furthermore, single family detached residences shall meet the following minimum architectural standards:

    a. Twenty percent of the dwelling units shall have all sides made entirely of brick, except eaves and cornices and gables as the builder desires (note that where this ordinance refers to sides or siding, cornices, gables and eves are excluded).

    b. Twenty percent of the remaining units shall have all sides made entirely of brick, stone, stucco, or any combination thereof.

    c. Twenty percent of the remaining units shall have front facades made of all brick.

    d. Twenty percent of the remaining shall have front facades made of all brick, stone, stucco, or any combination thereof, and

    e. In no case shall vinyl or metal siding be used as a siding material.

2. Townhouses.

    a. The maximum net density is six du/nua but may be increased to eight du/nua with density credits.

    b. The lot development standards (i.e., area and bulk regulations) provided for townhouses under the City of Stockbridge RM Residential Multifamily District shall apply, except with respect to front yard setbacks. For such setbacks, the TND standard shall apply.

    c. All townhouse exteriors shall consist of no less than 50 percent brick or stone; the remaining portion, if any, shall consist of wood or any masonry siding, including Hardie plank. In no case shall vinyl or metal siding be used as a siding material.

3. Loft condominiums.

    a. The maximum net density is seven du/nua, but may be increased to nine du/nua with density credits.

    b. For condominiums, the same lot development standards (i.e., area and bulk regulations) as provided for condominiums under the city of Stockbridge RM ordinance shall apply, except with respect to front yard setbacks. For such setbacks, the TND standard applies.

c. For loft-condominium, the development standards (i.e., area and bulk regulations) for the building are the same as required for commercial and office uses in the PTD.

d. All exteriors of condominium buildings or buildings containing loft-condominiums shall consist of no less than 50 percent brick or stone; the remaining portion, if any, shall consist of wood or any masonry siding, including Hardie plank. In no case shall vinyl or metal be used as siding material.

4. Loft apartments.

a. The maximum net density is five du/nua, but may be increased to seven du/nua with density credits.

b. For apartment buildings, the same lot development standards (i.e., area and bulk regulations) as provided for apartments under the city of Stockbridge RM ordinance shall apply, except with respect to front yard setbacks. For such setbacks, the TND standard applies.

c. For loft apartments, the development standards (i.e., area and bulk regulations) for the building are the same as required for commercial and office uses in the PTD.

d. All exteriors of apartment buildings or buildings containing loft-apartments shall consist of no less than 50 percent brick or stone; the remaining portion, if any, shall consist of wood or any masonry siding, including Hardie plank. In no case shall vinyl or metal be used as siding material.

B. Residential Use Standards in an MUND.

1. Residential units shall be used to define the character of the community and shall be visually linked in architectural design and physically linked by streets and sidewalks throughout the community.

2. No more than 25 percent) of the total number of residential units shall be of the same residential use, except for single family detached dwelling units. Residential lots shall be divided among the following uses in accordance with the following minimums:

a. Single family detached: 60 percent of the total number of residential units to be developed,

b. Multi-family apportioned as follows:

(i) Townhouses: 15 percent of the total number of residential units to be developed,

(ii) Condominiums, apartments, loft condominiums, or loft apartments: 15 percent of the total number of residential units to be developed.

(iii) The remaining 10 percent of the residential uses may be divided among any of the permitted residential uses under the MUND, except for apartments or loft apartments.

C. Additional Development Standards for MUND.

1. Neighborhood Center Standards.

   a. The MUND shall be designed with a neighborhood center that contains commercial, civic and mixed-use buildings and open space. The center shall be designed to serve as the focal point for the neighborhood and for the interaction of the residents. It may take the form of a commercial square, central park, outdoor pedestrian mall, or main street. The center shall be contiguous with a minimum of one open space area of the development. Access to the center shall be directly from a collector or arterial street.

   b. The center shall be composed of two or more of the following land uses:

      (i) First floor commercial uses in conjunction with a minimum of one additional floor that contains residential or professional office uses,

      (ii) First floor professional office uses in conjunction with a minimum of one additional floor that contains residential uses,

      (iii) Institutional or civic uses.

   c. Existing buildings located in the vicinity of the neighborhood center shall be retained and adaptively reused, whenever possible.

   d. Commercial or civic uses located adjacent to each other shall share driveways and/or parking facilities.

   e. Parking lots or structures shall be located to the rear and sides of all buildings. Only on-street (parallel or angled) parking shall be permitted in front of commercial uses.

   f. Pedestrian access shall be provided from the residential portions of the MUND to the neighborhood center, maximizing at-grade street crossings where practical.

2. Nonresidential Space Requirements.

   a. The ratio of residential space to nonresidential space in a MUND shall be a minimum of four to one (4:1). This ratio shall be based on the total heated square footage of residential space provided in the master plan of the PTD. In other words, for every four square feet of heated residential space, the developer shall provide at least one square foot of heated commercial or office space.

   b. Nonresidential space shall be occupied by two or more of the following uses:

      (i) Retail

      (ii) Services

      (iii) Office

      (iv) Institutional

(v) Light manufacturing

c. Development of the commercial space shall be completed prior to the issuance of certificates of occupancy for 50 percent of the residential lots within the MUND.

d. Access to commercial space shall be by public streets and sidewalks.

f. A minimum of 20 percent of all nonresidential space shall provide for residential lofts.

3. Public Space Requirements (Amenity areas, civic space and open space). The design of every MUND shall be based on a survey of the existing natural, cultural and scenic features of the site. The design shall preserve important features of the site, identified through the survey, by inclusion of public space as a design element. Public space shall be used to define the character of the community and shall be visually and physically linked throughout the community.

4. Parking.

a. On-street parking must be parallel or diagonal.

b. Off-street parking and loading facilities within the business area of a MUND shall be reviewed by the development director. In general, off-street parking shall be required for any nonresidential permitted use within a MUND in accordance with the parking requirements for such use as required in the PTD. In addition, off-street parking facilities shall provide a buffer having a minimum horizontal dimension of eight feet between the facility and streets, landscaped islands having a minimum width of eight feet separating parking aisles, and landscaped islands having a minimum width of four feet and minimum depth equal to the parking space depth for every 12 spaces. The buffers, islands and separations shall be landscaped with sod, three gallon drought resistant shrubs (four per parking space) and two and one-half inch caliper canopy trees approved by the Mayor and Council for every 250 square feet of landscaped area and as appropriate, planted on a maximum spacing of 40 feet. Off-street parking facilities shall be illuminated with downcast lighting using energy efficient bulbs. Upon review, the development director shall make a recommendation to the city council for final review and approval.

c. The development director may recommend and the city council may require a monetary or other contribution toward community parking facilities in lieu of off-street parking facilities. Said funds shall be placed in an account for the sole purpose of providing parking within the city.

d. If a parking structure is built for off-street parking, the facades facing public streets shall be designed and constructed to have the appearance of various different store fronts with no less than sixty percent of that facade of the structure consisting of brick. The remaining facade surface may be constructed of stone, glass, stucco or pressed designed concrete blocks.

e. Required off-street parking shall not be located within any front yard setback or in front of the principal building. Notwithstanding the requirements set forth above, all other nonconflicting commercial landscaping and buffer requirements under the city zoning ordinance shall apply to parking facilities.

5. Streetscapes. A streetscape is the sum of the man-made and planted features within and adjacent to the street right-of-way that create the character of the public space. The streetscape often includes sidewalks, street trees and plantings, street furniture such as benches, street lights, signs, trash receptacles, railings and fences, fountains, planters, banners and flags, public art and similar publicly visible features. In the nonresidential area of a MUND, the developer shall provide an eight-foot wide sidewalk within the front setback from the edge of the public street; six feet of the front setback which shall be sodded and serve as a landscaped buffer between the street and the sidewalk. The landscaping of these buffer areas shall consist of a minimum of one two and one-half inch caliper tree or more as needed to provide a continuous balanced arrangement with no greater than a forty feet spacing between trees. The exact species and location shall be determined so that it does not overly obstruct the view of the storefront. Additional vegetation shall be required according to the landscaping provisions of Sec. 5.02.04. In the nonresidential area of a MUND, the developer should provide one metal trash receptacle and one metal bench. In the nonresidential area of a MUND, the developer should install historic-style street lamps approved by and location chosen by the city manager to provide for the safety of the public.

Sec. 2.08.09. Amenities. Public buildings and recreation facilities (amenities) for use of the residents of the PTD are required. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PTD development. The requirements for amenities are listed below:

A. Amenity requirements: In order to assure that adequate recreation and open space exists on-site, the following shall guide the PTD development in the development of minimum thresholds for open space and recreation facilities. It is expected that a PTD shall exceed the minimum standards set forth herein.

1. Amenity and recreation facilities shall be required according to the point system below. The minimum number of points and minimum amenities required shall be dependent on the total acreage of the PTD as shown in Table 2.08.09. A.1. To ensure adequate amenities for the increase in population density allowed under a MUND, where a MUND is used, one-tenth of a point shall be added to the minimum points required for each additional residential unit above the total number of units allowed if the property was developed as a TND with a net density of four and three fourths (4.75) du/nua.

2. The point allocation for each type of amenity is shown in Table 2.08.09.A.2. For amenities not listed in Table 2.08.09.A.2, the number of points assigned shall be established by the development director in consultation with the city manager

provided the allocation is consistent with those in Table 2.08.09.A.2 and does not exceed 25 points. The development director in consultation with the city manager may allow a developer to substitute a single required amenity for one of equal or greater value.

3. The city council, upon request by the developer, may accept the monetary value of one required amenity in lieu of requiring the developer to provide the amenity. The money paid in lieu of the required amenity shall be used for public parks.

4. Completion of amenities shall be according to the following schedule: before issuance of 50 percent of the total number of certificates of occupancy (CO's) for the project, 50 percent of the required amenities must be completed and in use; before issuance of 60 percent of the total number of CO's for the project, 80 percent of the required amenities must be completed and in use; and before issuance of 80 percent of the total number of CO's for the project, 100 percent of the required amenities must be completed and in use.

Table 2.08.09.A.1. Minimum Points and Minimum Required Amenities

Classification	PTD Total Acreage	Minimum Points	Minimum Required Amenities
1	10 to 50 acres	50	Community pavilion, tennis court, basketball court, multi-use field, open space (20 percent), walking trails of at least 500 linear feet, pocket park
2	51 to 100 acres	75	Clubhouse, tennis courts (2), multi-use field, basketball court, open space (20 percent), walking trails of at least 800 linear feet, pocket parks (2)
3	101 to 200 acres	125	Clubhouse, pool, tennis courts (4), multi-use field, basketball court, open space (20%), walking trails of at least 1,200 linear feet, pocket parks (4)
4	201 to 300 acres	175	Clubhouse, pool, tennis courts (6), multi-use field, basketball courts (2), baseball field, open space (20%), walking trails of at least 1,500 linear feet, pocket parks (6)
5	301 to 400 acres	200	Clubhouse, pool, tennis courts (6), multi-use field (2—type 1 and 2), basketball courts (3), baseball field, community pavilion, open space (20%), walking trails of at least 2,500 linear feet, pocket

			parks (8)
6	401 to 500 acres	250	Clubhouse, pool, tennis courts (8), multi-use field (2—type 1 and 2), basketball courts (3), baseball field, softball field, soccer field, community pavilion, open space (20%), walking trails of at least 3,500 linear feet, pocket parks (10)
7	501 + acres	300	Clubhouses (2), pools (2), tennis courts (8), multi-use field (2—type 1 and 2), basketball courts (4), baseball field, softball field, soccer field, community pavilions (2), open space (20%), walking trails of at least 3,500 linear feet, pocket parks (10), amphitheater

Table 2.08.09.A.2. Points for Each Amenity Proposed for a PTD

Amenity Type	**Points (each, unless otherwise stated)**	**Comments (maximum of 2 of each type unless otherwise stated below)**
Amphitheater	30	Minimum 150 seats
Baseball Field	10.0	Little league size with bases, home plate, pitcher's mound and backstop
Baseball Field	12.5	Regulation size with bases, home plate, pitcher's mound, and backstop
Basketball Court	4.0	Full court, regulation size with goals and lines
Clubhouse (or community hall)	12.5	2,500 minimum square feet
Community Pavilion	6 or 8 (if enclosed)	Minimum of 750 square feet of concrete floor with roof; 0.5 points for every additional 250 square feet, located near sports fields; 0.05 points for every picnic table or permanent grill
Pool	12.5	Junior-size Olympic. 5 additional points for an Olympic size pool for sunbathing, recreation (design subject to approval by city

		council)
Football Field	12.5	Regulation size with goal posts
Formal Parks	2.5 (per acre provided)	Formal landscaping, fountains or art, benches, trash receptacles, sidewalk
Golf Course	50	9 holes
	75	18 holes
Lake	10.0 (existing)	Minimum of 10 acres, with full access, piers, launch
	25.0 (new)	
Multi-use Trails	1.5 (per 100 lineal feet)	Paved, 12 feet in width, striped for bicycles and pedestrians
Multi-use Field (type 1 or type 2)	15.0	Regulation football and soccer (type 1) or football and baseball (type 2), regulation sizes with related scoring structures as required for individual sport field except where they interfere with the other use
Open Space	0.5 (per acre provided)	Natural or enhanced with trails providing access to and through the area
Playground	5.0	Swings, "jungle gym", etc., (maximum of 4)
Pocket Parks	1 (per acre provided)	May contain amenities
Soccer Field	12.5	Regulation size with goals
Softball Field	12.5	Regulation size with bases, home plate, pitcher's mound, and backstop
Tennis Courts	7.0	ALTA and lighted (maximum of 12)
Wading Pool	7.5	for children, shall be accompanied with another pool herein
Walking Trails	1.0 (per 100 lineal	Paved, six feet wide

	feet)	
	0.5 (per 100 lineal feet)	Unpaved, but covered with a pervious material, six feet wide

Sec. 2.08.10. Office-Institutional Uses. Office development shall be designed and landscaped in a manner which is compatible with residential developmental and provides for traffic circulation and alternative modes of transportation (i.e., pedestrian, bicycle, transit).

A. Permitted uses in TND, MUND, and CD:

1. Libraries, museums, and art galleries,
2. Medical and dental clinics/offices,
3. Professional and business offices, provided that wholesale or retail merchandise is not offered for sale, unless retail is determined to be compatible under subparagraph (5),
4. Any of these uses located in lower floors of a building which also provides lofts in the floors above,
5. Other retail and service uses as may be determined by the development director after consultation with city manager, or city council to be similar and compatible with the above-listed permitted uses.

B. Development standards: The development standards for office/institutional uses shall be the same set forth in Table 2.08.10 (B) and applicable sections of the Henry County Zoning Ordinance as adopted by the City, except that for TND and MUND areas. In addition, for MUND, no height limitation shall apply, except as regulated under the building and fire codes.

Table 2.08.10 (B)

Minimum front yard	Shall not apply
Maximum front setback	30 feet, but no less than 15 feet
Minimum side yard	Shall not apply, except a maximum of 30 feet from the curb to allow for sidewalks and streetscaping for corner lots

Parking	Shall be aesthetically arranged to provide for convenient walking/cycling wherever possible
On-street parking	Prohibited, unless allowed according to an approved illustrative master plan
Shared use of parking facilities (with office or commercial uses)	May result in reduction of required parking by no more than 25 percent

Sec. 2.08.11. Commercial Uses. Commercial development shall include those uses established herein which are part of a planned town center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes (i.e., pedestrian, bicycle, mass transit). The following uses shall be allowed in the TND, CD and MUND districts:

A. Traditional Neighborhood Development (TND)

1. Permitted commercial areas

a. Uses no greater than three thousand square feet (3,000) in floor area:

(i) Antique and art shops,

(ii) Barber shops, beauty shops, spas, and similar service establishments,

(iii) Bicycle sales and repair shops,

(iv) Books, stationary, and card shops,

(v) Dry cleaners/laundries,

(vi) Catering establishments (odor-scrubbing devices required),

(vii) Dry goods and notions establishments,

(viii) Florists and gift shops,

(ix) Coffeehouses,

(x) Custom dress making, tailoring, or millinery shops,

(xi) Jewelry stores,

(xii) Dance studios,

(xiii) Music stores,

(xiv) News and tobacco shops,

(xv) Photographers (including the sale of supplies, film development, and equipment),

(xvi) Copy or printing centers,

(xvii)Shoe stores and shoe repair shops,

(xviii) Banks, savings and loans, credit unions, and similar financial institutions,

(xix) Package stores,

(xx) Drug stores and apothecary shops,

(xxii)Restaurants, bakeries (whose entire products are sold at retail on the premises) and cafes, odor scrubbing devices required,

(xxii)Medical offices, law offices, insurance offices and exercise establishments.

2. Uses no greater than seven thousand five hundred square feet (7,500) in floor area:

(i) Banks, savings and loans, credit unions, and similar financial institutions,

(ii) Package stores,

(iii) Drug stores and apothecary shops,

(iv) Restaurants, bakeries (whose entire products are sold at retail on the premises) and cafes, odor-scrubbing devices required,

(v) Apparel stores,

(vi) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products.

c. Uses no greater than fifteen thousand square feet (15,000) in floor area:

(i) Apparel stores,

(ii) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products.

d. Other:

(i) Structured parking facilities,

(ii) Other retail and service uses as may be determined by the planning and zoning department or city council to be similar and compatible with the above-listed permitted uses.

Sec. 2.08.12. TND Development Standards. The standards of Table 2.08.12 shall apply to TND:

Table 2.08.12. Development standards for TND.

Criteria	Development Standard

Minimum lot area	6,000 square feet; no minimum in MUND
Minimum lot width	60 feet; no minimum in MUND
Maximum lot width	100 feet; no minimum in MUND
Minimum front setback	15 feet from curb
Maximum front setback	30 feet from curb
Minimum side setback	None, maximum of 30 feet and minimum of fifteen feet from curb if a corner lot
Minimum rear yard	30 feet
Maximum height	60 feet; no maximum height in MUND
Parking	Structured, or surface (rear parking preferred) on-street parking prohibited, unless approved on the master plan
Structured parking	Allowed with commercial along street frontage
Drive-through access	Allowed, pending development director review of placement in consultation with the city manager (typically at rear of structure)

Sec. 2.08.13. Reserved.

Sec. 2.08.14. Permitted Uses and Development Standards for a Mixed Use Neighborhood District

A. Permitted commercial uses. Same as those permitted in TND with the following additional commercial land uses permitted:

1. Lofts located above retail or office uses,
2. Civic uses such as governmental offices, fire stations, post offices, library and seniors center,

3. Music, dance or exercise studios with a floor space no greater than 3,000 square feet,
4. Parks, playgrounds and outdoor recreational facilities,
5. Mass transit terminals including bus and rail transit,
6. Public and private schools and other educational facilities exclusive of day care centers of any kind,
7. As in TND, restaurants, cafes and coffee shops, but not including drive-through or franchise architecture. Also for these uses, trash storage areas and recycling areas shall be screened from public view and adjoining buildings,
8. Those permitted commercial uses permitted in TND located entirely within a building that provides lofts or office space in floors above,
9. Governmental buildings,
10. Community meeting hall,
11. Other retail and service uses as may be determined by the development director after consultation with city manager, or city council to be similar and compatible with the above-listed permitted uses.

B. Development standards. Same as those for TND, except where a difference is stated.

Sec. 2.08.15. Permitted, Accessory and Conditional Uses for Industrial Development in a PTD

A. Industrial development shall be designed and landscaped in a manner compatible with residential development. Industrial areas in a PTD shall be placed only in MUND or CD areas and shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 district shall be permitted with the exception of the following:

1. Armories,
2. Cold storage, ice plants and freezer lockers,
3. Garage and repair shops,
4. Cell phone or radio towers,

B. Accessory Uses.

1. Accessory structures or buildings,
2. Amenity areas owned, operated and maintained by homeowners' associations exclusively for the use of residents and their guests,
3. Railroad through and spur tracks, but not sidings and/or terminal facilities,
4. Utility substations. All substations shall have a landscaped and masonry barrier on all sides.

C. Conditional Uses. Upon application to and recommendation by the ZAB and favorable decision thereon by the city council, the following conditional uses are permitted:

1. Basement apartment, provided that not more than one unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.

2. Churches, synagogues, chapels and other places of religious worship or educational instruction unless the city has specifically found health or safety issues which advise against such a conditional use.

3. Garage apartment, provided that not more than one unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

4. Guest quarters or employee quarters, provided that not more than one unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.

5. Home occupations as provided under the Code of Ordinances for the City of Stockbridge, Georgia, exclusive of family day care centers.

6. Nursery schools, kindergarten schools and day care centers providing child care for more than 10 children when conducted in a principal structure or institution not associated with a church facility, provided that a minimum of 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. Use of outdoor play area in shifts shall be permitted. The outdoor play area shall be enclosed by a security fence having a minimum height of four feet. A decorative wooden fence or masonry wall having a minimum height of six feet shall be used when adjacent to residential uses. All such facilities shall obtain a State license.

7. Assisted living, elder care facilities or nursing home facilities.

8. Public and private golf courses, provided the use is limited to daytime hours and that all facilities shall be set back a minimum of 100 feet from any property line.

9. Public, parochial, private schools, and associated facilities. Any such school shall front on a thoroughfare having the minimum classification of collector and have minimum frontage of 200 feet. The minimum site area shall be three acres.

10. In TND and CD, mass transit terminals including bus and rail transit.

11. The parking of one unoccupied travel trailer, motor coach or pleasure boat subject to provisions of this chapter.

12. In addition to the above listed conditional uses, the following are conditional uses permitted only in MUND:

a. Small hotels or inns, provided they:

(i) Occupy an existing residential dwelling or the upper floors of a new or existing non-residential structure,

(ii) Do not exceed 20,000 square feet of heated space, and

(iii) Provide one off-street parking space per room shall be provided within 200 feet of the establishment.

b. Retail or other commercial uses, including theaters or cinemas, exceeding 15,000 square feet, but in no case greater than 50,000 square feet, provided that:

(i) Facades of these buildings are designed and built to appear as multiple buildings,

(ii) Entrances are placed on all facades fronting public streets, parking areas or walkways, except for theatres or cinemas, and

(iii) Off-street parking shall be provided within 200 feet of the building.

c. Bars, taverns, clubs and gaming establishments, such as pool halls, arcades or the like but not venues of adult entertainment, provided that:

(i) The proposed use shall not constitute a nuisance as regulated under the applicable sections of the code of ordinances of the City of Stockbridge, Georgia,

(ii) The bar, tavern or club is intended to primarily serve the surrounding neighborhood, and

(iii) Refuse storage areas and recycling areas shall be screened from public view and adjoining buildings.

d. Farmers markets, provided that:

(i) A market building shall be located on or shall directly face the neighborhood center, and

(ii) An encroachment zone shall extend eight feet from the front setback around the perimeter of the building, and such area may be temporarily occupied by vehicles loading or unloading.

Sec. 2.08.16. Density Adjustments.

A. Usable land area adjustment. Table 2.08.16 (A). outlines the adjustments for usable land area for calculation of usable density. Developments which fall under one of the three development types and meet the criteria listed above shall apply the additional land area in the respective usable land area calculations to the applicable area.

Table 2.08.16 (A). Usable Land Area Adjustment per Development Type

Development Combinations	Adjusted (i.e., added) usable land area	Applicable to:
PTD with TND and MUND area	All areas dedicated to stormwater detention facilities; 50% of land within flood hazard areas if deeded to city in accordance with 8.36.100 and 50% of public lands	TND and MUND designated areas
PTD with CD only	No adjustments allowed	Not applicable
PTD with 30% or more of total land area designated as a TND and/or MUND, remainder CD	50% of flood hazard areas if deeded to city in accordance with 8.36.100 and 50% of public lands	Up to 40% of this land to CD-designated areas, with remainder applicable to TND and/or MUND designated areas

B. Density credits or debits. In addition to the usable land area adjustment, developments meeting the following criteria may have its density credited or debited according to Table 2.08.16.(B), below. Unless otherwise stated, the density credit or debit may be applied to any residential uses within the PTD district in accordance with the master development plan.

Table 2.08.16. (B). Additions to Density According to Performance Criteria

Performance Criteria	Credit	Debit
Allocation and use of over 20 acres of TND for commercial and/or office use	0.2 du/nua	
Acceptance by the City of land dedicated to the City for public use, such as a school site. Credits available hereunder shall not exceed 3 du/nua	0. 1 du/nua per nua dedicated	
In addition to required roadway width, demarked bicycle lanes on both sides of the road each at least 4 feet in width	0.4 du/nua per mile of road	
Use of vinyl or metal siding even if approved by City Council		0.5 du/nua

Traffic calming devices appropriately located throughout the development such as speed tables (but not speed humps/bumps) and/or landscaped roundabouts (applicable to residential use directly affected in that pod)	0.3 du/nua	
Doubling the minimum size of all pocket parks (applicable to residential use directly affected in that pod)	0.2 du/nua	
Providing decorative sidewalks with durable, metal and decorative benches and trash receptacles in appropriate numbers and locations in the neighborhood center of the MUND, unless required by some other city ordinance	0.2 du/nua	
Providing decorative street lighting appropriately placed throughout the development where permitted	0.3 du/nua	
10% increase in the minimum percentage of single family residential units with all-side brick or stone (applicable to only single family residential)	0.1 du/nua	
In MUND for each multi-family building, including mixed-use multi-family buildings, constructed of all sides brick or stone (applicable to only multi-family)	0.2 du/nua	
For each one caliper inch greater than is required for street trees (maximum credits 1 du/nua)	0.1 du/nua	
For other city council approved enhancements to development in excess of the requirements of the PTD District (applicable to the type of use and directly affected as determined by city council)	0.01 du/nua	

Sec. 2.08.17. Impervious Cover Requirements

A. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance and watershed ordinance as well as comply with the city wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance, and groundwater recharge ordinance, as applicable. The impervious cover shall not exceed 25 percent of the land area of any parcel on which a new development is placed that is located in a watershed protection district. In the case of a MUND, due to the emphasis on pedestrian, bicycle, and vehicular connectivity, the impervious limitation may be increased to a maximum of 35 percent impervious cover. For any increase over the 25 percent impervious coverage, the developer shall undertake best management practices for stormwater management

as set forth under the City of Stockbridge Stormwater Ordinance. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

Sec. 2.08.18. PTD Application Procedure

A. Preliminary Concept Plan Review. Before an application for rezoning of a PTD is accepted, the applicant shall submit a preliminary concept plan for review by the development director and approval of the City. The development director shall coordinate review of the plan with the City and other county, state and regional agencies as necessary. The department shall make comments and recommendations within 30 calendar days of receipt of all required information with the exception of item (21), below. Failure to make such comments and recommendations within the 30 calendar days shall entitle the applicant to prepare and submit a PTD Master Development Plan with his application for rezoning and be deemed to have satisfied the preliminary concept plan review requirements.

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

1. Planned development name
2. The owner and developer of the property
3. Architect, engineer or planner who designed the plan
4. Location or orientation map of the property
5. Legal description and survey of the parcel
6. Date, scale and north arrow
7. Acreage in total tract
8. Topography at a maximum contour interval of 10 feet
9 Areas proposed for TND, MUND and/or CD. Such areas shall be designated and include a key indicating the various land uses proposed and required
10. Net usable land, in acres, for each type of development and each use including a summary of all non-useable acreage
11. Proposed density credits as applicable to each development type and land use
12. Proposed street layout
13. Proposed lot layout with their proposed dimensions
14. Proposed buffers, open space, and natural environmental features such as surface drainage and open water, flood plain, rock outcropping, significant trees, etc.
15. General location of proposed buildings to be used for residential, commercial, industrial, recreational or public facility uses
16. Proposed amount of heated square feet for each unit

17. A description of the architectural design for the dwelling units or buildings
18. If a MUND is included, a breakdown of the heated floor space ratios between residential and nonresidential areas and between residential and public space, including civic and open space
19. List of proposed amenities provided including point value and total
20. Proposed variances
21. Any other information requested by the development director.

Sec. 2.08.19. PTD Rezoning

A. Following preliminary concept plan review and approval by the development director, the developer of the PTD project may apply for rezoning pursuant to the requirements of Sec. 12.02.09. Requirements for amending the official zoning map (rezoning) of this ZONING CODE and master plan development plan approval.

Sec. 2.08.20. PTD Master Development Plan Approval

A. A master development plan which incorporates the comments and modifications made by the development director in reviewing the preliminary concept plan shall be submitted to the development director and the city with the application for rezoning. The master development plan shall include the following information:

1. A site plan for complete development of the PTD drawn to a scale of one inch equals 100 feet or one inch equals 200 feet, as appropriate. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the development director. The plan shall include one or more sheets, as necessary, to accurately depict the following information:

   a. Property information:

      (i) Planned development project name,

      (ii) Owner and developer of the property,

      (iii) Architect, engineer or planner who designed the plan,

      (iv) Date, scale and north arrow,

      (v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use within 500 feet of the property for the PTD project, and

      (vi) A legal description and survey of the entire parcel and each development area.

b. Existing conditions:

(i) Existing topographical features of the site, with a minimum contour interval of five feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown,

(ii) The location of any flood hazard areas subject to a 100-year flood according to the city flood damage prevention ordinance. The location of the 100-year flood shall be shown relative to contour elevations,

(iii) The location and extent of any aircraft approach zones over the PTD property,

(iv) The location of any existing property lines within the parcel; the location, width, right-of-way and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures, and

(v) Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above-ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades, and invert elevations from field surveys or other sources;

c. Proposed development conditions:

(i) Phases of the proposed development

(ii) The location and extent of the proposed interior road system, including pavement and right-of-way width and its total acreage

(iii) Delineation of the proposed TND, MUND and CD areas and the uses within each area, including the location of residential, office, commercial, institutional, industrial and mixed land uses; total number of dwelling units; total number of lots; and number and percentage allocation by dwelling unit type

(iv) Proposed layout and dimensions of lots

(v) Calculation of residential net density in du/nua, including density credits and debits provided herein. In addition for MUND, calculations of residential density totals and density for each residential use, percentage of each residential use with respect to the development as a whole, and square footage for residential, nonresidential, and public space (subdivided into civic and open space)

(vi) The interior common open space system

(vii) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities

(viii) Proposed improvements to existing public facilities, including roads, sewers, water and stormwater disposal and treatment facilities adjoining or near the site

(I) Proposed streetscaping, street trees and on-street parking, and

(J) Location and capacity to determine and treat stormwater runoff.

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

   a. General description of the proposal,

   b. Detailed legal description,

   c. Architectural and design standards, which includes depictions and descriptions of proposed building elevations and siding materials,

   d. Proposed restrictions on the uses of the property, density standards, yard requirements, and restrictive covenants that include design standards for the homes and business structures. Thorough architectural and design standards may be presented in lieu of this requirement,

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

   f. Exceptions or variations from the requirements of the zoning ordinance and subdivision ordinance, if any, being requested,

   g. Plans for the provision of utilities, including water, sanitary sewer and stormwater disposal and treatment facilities and appropriate calculations regarding the sizing of drainage areas and pipes,

   h. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services to provide such services to the development,

   i. A recent report from Henry County Board of Education indicating the adequacy of the public school facility to provide public education to the children of the development,

   j. Plans for the protection of abutting properties,

   k. Plans for the maintenance of common open space areas,

   l. Tables showing the total number of acres in the proposed development and the percentage designation for each land use, including public space. Information shall be provided in net usable acres,

   m. For MUND areas, tables showing the maximum net densities permitted under this ordinance for each use as compared to the densities proposed for each use in the development, including a list of applicable density credits and debits, the percentage of each residential use with respect to the development as a whole, and the square footage for residential, nonresidential, and public space (subdivided into civic and open space),

   n. Tabulations of the overall net usable density for residential uses,

o. An explanation of phasing or stages of the PTD project,

p. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls,

q. Adequacy and arrangement of pedestrian traffic access and circulation, including traffic-calming devices and areas of separation from vehicular traffic,

r. Adequacy and arrangement of bicycle traffic access and circulation, including bike lanes, multi-use paths and wide curb lanes,

s. A traffic study designed to provide the city with the vehicular traffic during peak and off-peak hours on the road or roads on which the PTD project will open. Also, provide the expected vehicular trips the PTD project will generate during peak and off-peak hours,

t. Location, arrangement, appearance, and sufficiency of off-street parking and loading,

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

v. Certification by the applicant that a professional consultant is being utilized in the planning process for the PTD project, including preparation of the application.

B. Review of Application.

1. Planned development projects which (1) involve more than 100 acres; (2) generate more than 4,000 vehicle trips per day; or (3) require treatment of 150,000 or more gallons of sewage per day shall be reviewed by the Atlanta Regional Commission for potential impacts on the surrounding area. Projects involving more than 150 acres shall be considered a DRI and be sent to the Atlanta Regional Commission for review according to the Georgia Department of Community Affairs regulations as established by the Georgia Planning Act of 1989.

2. In reviewing the application for PTD preliminary development plan approval and zoning approval, the ZAB and city council shall consider those items listed in Sec. 12.02.09. concerning zoning map amendments.

3. The consideration of a PTD District approval or denial and master development plan shall also include, but not be limited to, the following:

a. Relationship to the comprehensive plan

b. Adequacy and arrangement of access and circulation, including streets, intersections, road widths, channelization structures, pedestrian facilities, bicycle facilities and traffic controls

c. Location, arrangement, appearance, and sufficiency of parking and loading

d. Location, arrangement, size and placement of building(s), lighting and signs

e. Arrangement of landscape features and buffer areas

f. Adequacy of public water supply and sewer treatment capacity

g. Adequacy of stormwater and disposal and treatment facilities, and

h. Adequacy of structures and roadways in areas of moderate to high susceptibility to flooding, ponding and/or erosion.

Sec 2.09.00. Establishment of the CRS, Conservation residential subdivision district; development standards

A. Purpose of the Conservation Residential Subdivision. The purpose of conservation residential subdivision district is to promote the health, safety and general welfare of the present and future inhabitants of the city by allowing flexibility in the design of certain subdivisions from standard regulations to support permanent protection of green space.

The specific purposes of a conservation residential subdivision district include:

1. To provide single-family residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land;

2. To preserve green space and unique or sensitive natural resources such as groundwater, flood plains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography;

3. To permit clustering of dwellings and structures on less environmentally sensitive soils which will reduce the amount or infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities;

4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments;

5. To conserve a portion of the otherwise developable property as green space in perpetuity. This option is not necessarily intended to allow an applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes, wetlands or land adjacent to undesirable areas such as landfills or livestock farming;

6. To promote interconnected greenways and corridors throughout the city;

7. To promote linking of greenways and corridors between the city and neighboring jurisdictions;

8. To encourage interactions of persons living in the resulting residential community by clustering dwellings and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;

9. To encourage street designs that reduce traffic speeds and reliance on main arteries;

10. To incorporate aesthetic design standards that will increase the value of the neighborhood;

11. To conserve scenic views and reduce perceived density by promoting views of green space from arterial and collector roads;

12. To preserve important historical and archaeological sites;

13. To promote other purpose of the zoning ordinance, subdivision regulations, soil erosion and sediment control ordinance and other ordinances and policies of the city.

B. Definitions. For purposes of this section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise.

"Conservation easement" means a non-possessory interest of a holder in real property imposing limitations or affirmative obligations for the purposes of which include retaining or protecting natural, scenic, green or open areas of real property, assuring its availability for agricultural, forest, recreational or green space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

"Conservation residential subdivision" also known as "CRS" means a single-family residential subdivision design which concentrates lots, dwellings, streets, utilities and related development activities on the more suitable and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. A CRS allows for a slightly higher net density than that typically allowed for the underlying zoning classification of the property, and smaller lot sizes in order to preserve the environmentally sensitive areas in dedicated, perpetual green space.

"Density bonus" is the amount of additional density applicable to a type of development in the conservation residential subdivision district according to quality construction standards established in this section.

"Dwelling" means a building which is designated or used exclusively to provide a single family detached residence, exclusive of multi-family dwellings, mobile homes, hotels, motels or manufactured homes.

"Green space" means an area of land within the subdivision boundary which shall remain in a permanent undeveloped condition except for amenities areas. The ownership, uses, limitations of use and maintenance of such land shall be determined through a written management plan to be approved by the city at or before approval of the final plat for property which has been approved for a conditional use for a CRS. The green space shall include net usable acres and may include non-useable acres within the gross acreage of the subdivision.

"Holder" means a governmental body empowered to hold an interest in real property under the laws of this state or the United States; or a charitable corporation, charitable association or charitable trust, the purposes of powers of which include retaining or protecting the natural, scenic or green space values of real property, assuring the availability of real property for agricultural, forest, recreational or green space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

"Master development plan" is a site plan that depicts the proposed subdivision layout including lot dimensions, right-of-way (street) layout, parking facilities, sidewalks, multi-use paths, detention or retention facilities, green space area including any physiographic characteristics, buffers and amenities.

The master development plan shall also provide the amount of land in one hundred (100) year flood plain, rights-of-way, detention or retention ponds, non-residential lands, public lands, net usable acres and amount of greenspace. Furthermore, the master development plan shall state the proposed density; quality construction standards to be met and the corresponding density bonuses to be applied, if any; percentage of impervious surfaces; and any other information required by the city.

"Net usable acre (nua)" means an acre of land on which dwellings may be built but exclusive of streets; rights-of-way; one hundred (100) year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional or industrial uses, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

"Pocket parks" are parks for active or passive recreational uses consisting of no less than one quarter (¼) of a net useable acre (or fourteen thousand two hundred and fifty (14,250) square feet). The purpose of pocket parks is to provide green space for recreational use within walking distance of most residences especially those located farthest from amenity areas or access to green space. Therefore, 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 or access to green space.

"Private alleyway" shall mean an alley located in the rear of dwellings that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners or homeowners' association. The developer or landowner shall grant the appropriate easement so the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements:

1. Private alleyways shall be a minimum of twenty feet (20') in width and eighteen feet (18') thereof shall be paved with concrete or asphalt.

2. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6") with appropriate base.

3. Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder and six inches (6") of graded aggregate base. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, non-commercial, two (2) axle vehicles. Curbs and gutters should be provided, but are not required.

4. Private alleyways shall not have dead ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions:

1. Vehicular entrance height, eight feet (8'); interior height, ten feet (10'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The floor shall be constructed of concrete.

2. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base.

3. Residential parking garages shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

"Standard subdivision" means the form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no green space land set aside outside of building lots and rights-of-way for preservation in its natural or undeveloped condition.

"Third party right of enforcement" means the right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association or charitable trust, which, although eligible to be a holder, is not a holder.

C. Permitted Locations.

1. A conservation residential subdivision ("CRS"), as defined herein, is permitted as a conditional use in RA, R-l, R-2 and R-3 districts. An application for a CRS as a conditional use shall include all information required for a zoning amendment and shall be presented to the city council for final approval.

2. A CRS shall have an entrance and exit which opens onto an arterial road. A CRS, however, may be permitted where the entrance and exit opens onto a collector street provided a traffic study has been completed by the City, the developer has reimbursed the city for the cost of the study, and the developer agrees to make those road improvements determined necessary by the city council after review of the traffic study. Transfers of property in order to avoid or minimize the scope of this requirement shall not alleviate developer's or owner's responsibility hereunder.

3. For all CRSs, the homes shall be serviced by public water and public sewer.

D. Dimensional Requirements for Conservation Residential Subdivisions. The development standards for conservation residential subdivisions shall be as follows:

1. The minimum property size shall be ten (10) acres. Although no maximum acreage amount is established, the city council reserves the right to restrict the number of acres that may be dedicated for CRS use on a case by case basis.

2. The minimum lot size shall be six thousand six hundred square feet (6,600 sq ft).

3. Where the lot has rear vehicular access via a private alleyway, the minimum front setback shall be twenty feet (20') from the public right-of-way. Where the lot has front vehicular access via an internal street, the minimum front setback shall be thirty feet (30') from the public right-of-way line.

4. The minimum side yard shall be five feet (5') from the side property line but no less than fifteen feet (15') between dwellings.

5. Where the lot has rear vehicular access via a private alleyway the minimum rear setback shall be thirty feet (30') from the rear property line. Where the lot has front vehicular access via an internal street, the minimum rear setback shall be twenty feet (20') from the rear property line.

6. The minimum lot width shall be fifty-five feet (55').

7. The maximum height shall be forty feet (40').

E. Density Restrictions. The net density, except where bonuses are used, shall not exceed the following limits depending on the zoning of the property.

1. RA District: Maximum of zero point five (0.5) dwelling units per net usable acre without density bonuses. Maximum of one point five (1.5) dwelling units per net usable acre with density bonuses.

2. R-l District: Maximum of zero point eight (0.8) dwelling units per net usable acre without density bonuses. Maximum of one point eight (1.8) dwelling units per net usable acre with density bonuses.

3. R-2 District: Maximum of two (2.0) dwelling units per net usable acre without density bonuses.

Maximum of three (3.0) dwelling units per net usable acre with density bonuses.

4. R3 District: Maximum of two point six (2.6) dwelling units per net usable acre without density bonuses. Maximum of three point six (3.6) dwelling units per net usable acre with density bonuses.

If the tract on which a CRS is to be developed consists of different single-family residential districts, then the net density for the entire tract shall not exceed that which would have been allowed had each district been separately developed as a CRS. An applicant for a CRS conditional use permit for such a tract shall provide in its application a survey plat, signed and sealed by a registered surveyor in the state of Georgia, indicating the location and net usable acreage of each district for purposes of calculating the overall net density for the tract. The applicant shall provide the net density calculations for each such tract in the master development plan, but may, at the city council's discretion, subdivide the entire property based on an average of the permissible densities for each such tract.

F. Development Standards. Applications for conservation residential subdivisions as a conditional use shall be processed in the same manner as an application for a zoning map amendment including subject to final approval by the city council. A conditional use application for a CRS that is not compliant with this chapter shall not be accepted and, if accepted, shall nevertheless be invalid. CRS plats shall be processed in the same manner as a standard subdivision plat. An approved final plat shall have an additional marking of CRS, symbolizing the use of conservation residential subdivision development standards. Conditional use permits and final plats for conservation residential subdivisions may be approved by the council provided that the following minimum development standards are met or exceeded:

1. Forty percent (40%) of the net usable acres shall be permanently protected as described elsewhere in this section.

2. No lands with utility easements shall be used toward meeting the forty percent (40%) green space requirement. In the event a particular easement, or use, is not contemplated by this section then the

development director, after consultation with the city manager, shall determine if it meets the standard for inclusion in the acreage used for meeting the green space requirement.

3. At least seventy-five percent (75%) of the green space shall be in a contiguous tract. The green space should adjoin any neighboring areas of green space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected greenspace.

4. A one hundred foot (100') undisturbed buffer shall be maintained along all exterior streets and a fifty foot (50') undisturbed buffer along the perimeter of the property to which the CRS conditional use will apply in accordance with the following requirements:

a. If the property is wooded and the timber has not been cut in the past five (5) years, the above required buffers shall remain undisturbed.

b. If timber on the property has been cut within the last five (5) years or if the property is partially wooded and partially open or entirely open, the above required buffers in the wooded area shall be undisturbed and buffers in open or timbered areas shall be enhanced with a planted vegetative buffer. Said vegetative buffer shall consist of a minimum of four (4) rows of trees planted with twenty foot (20') separation between trees and staggered to provide vegetative screen. Three-quarters (¾) of the trees must be canopy trees with the remainder consisting of understory trees as defined, listed, and of a minimum size as prescribed in the city landscaping ordinance. Existing trees in the buffer area shall be incorporated into the planted vegetative buffer.

These required buffers are in addition to and shall not be included in the lot setback required for a CRS.

5. Along both sides of perennial and intermittent streams or rivers a one hundred foot (100') and a fifty foot (50') undisturbed buffer, respectively, shall be maintained. Also, a one hundred foot (100') undisturbed buffer shall be maintained around all wetlands, ponds and lakes; but access easements of no wider than fifteen feet (15') may be cleared. The number and location of such easements shall be determined by the city manager.

6. All dedications, easements, or other specific measures required to be done to meet the regulations of this section shall be completed prior to the issuance of a building permit on any lot of the subdivision.

7. No less than thirty percent (30%) of the dwellings shall consist of all sides brick, except for soffits. No less than twenty percent (20%) of the dwellings shall consist of all sides brick, stone, stucco, or any combination thereof, except soffits. No vinyl siding shall be permitted except for soffits.

8. Streets must be at least twenty-two feet (22') in width as measured pursuant to the subdivision ordinance. Curbs and gutters are required.

9. Paved driveways are required.

10. Sidewalks are required, on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least three feet (3') from the backside of the curb so as to provide a

buffer between the street and sidewalk. A multi-use path, as described in subsection F. 16. of this section, may be substituted for a sidewalk.

11. Decorative streetlights are required.

12. Underground utilities are required.

13. The minimum dwelling size shall be one thousand seven hundred (1,700) square feet of heated floor space for single story dwellings. For multi-story dwellings the minimum dwelling size shall be two thousand two hundred (2,200) square feet of heated floor space.

14. Alleyways and Alternative Parking.

a. Private alleyways are required except along the perimeter of the property. Private alleyways shall be located adjacent to, but not in, the rear setback of the lot. Where private alleyways are not provided along the perimeter of the property, the internal street in front of such lots shall have at least an additional ten feet (10') of paved surface for parallel parking in front of said lots for a total minimum street width within the public right-of-way of at least thirty-two feet (32') as measured in accordance with the subdivision ordinance. Said additional paved surface shall meet same construction requirements as set for residential streets under the subdivision ordinance. Parallel parking spaces shall be demarcated every twenty feet (20').

Approximately every twelve (12) spaces shall be broken by landscaping, and said landscaping shall be located in between dwellings rather directly in front of a dwelling to the greatest extent practicable. Said landscaping area shall be no less than ten feet (10') wide and twenty feet (20') long.

b. As an alternative to required private alleyways, a developer may request one (1) of the three (3) following alternatives. Such request shall be in writing and shall specify the reasons justifying the request. The request shall be made prior to preliminary plat approval and shall be subject to city council approval, denial, or approval with conditions.

i. Parallel Parking. City council may allow parallel parking throughout the CRS in lieu of private alleyways. If so approved, all internal streets shall have, in addition to the minimum required width for streets in the subdivision, ten feet (10') of paved surface on both sides of the street for parallel parking, except where all lots on that side of the street have rear access via a private alleyway. Construction and landscaping of said parallel parking areas shall meet the minimum requirements set forth in subsection F. 14. a. of this section.

ii. Designated Parking Areas. City council may allow designated parking areas throughout the CRS in lieu of private alleyways. The minimum number of lots required in designated parking areas shall be at least one (1) parking space for every two (2) dwellings in the CRS. Said parking areas shall be dispersed throughout the CRS and within a reasonable walking distance from the dwellings they are to serve.

iii. Combination of Alleyways, Parallel Parking and/or Designated Parking Areas. The city council may allow a combination of private alleyways, parallel parking and/or designated parking areas. Alternative parking plans are subject to the review and approval of city council as part of final plat approval.

15. Residential parking garages are required; however, the maximum coverage of the front facade of any dwelling unit by the garage may be no greater than forty percent (40%); for those residences adjacent to private alleyways, the residential parking garage shall be located in the rear of the main structure with the garage opening facing the alleyway and with a driveway providing access from the private alleyway to the garage.

16. Multi-use Paths.

a. Multi-use paths are required. Such paths shall be constructed to connect each residential lot to the largest portion of green space and required amenities located in the subdivision and those commercial, office, and industrial areas inside and outside the subdivision as required in subsection F. 16. b. of this section. Multi-use paths may not be constructed in lieu of streets or alleyways; however, private alleyways may be counted towards the multi-use path requirement where at least a ten foot (10') wide easement is granted for public use and the private alleyway is demarcated according to this subsection. Multi-use paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use and the remaining portion of the width of the path may be used for bicycles and golf carts. Multi-use paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of asphalt.

b. In addition, the landowner or developer shall extend the multi-use path from the subdivision to the nearest commercial area. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate, or modify this requirement if: (i) the landowner or developer tenders to the City funds equal to the amount which would be expended by the developer to design and construct the multi-use path extension required under this subsection; (ii) the City confirms that the funds deposited will be used for design and construction of a multi-use path benefiting the public at large, consistent with applicable law; (iii) the City votes to accept such funds and exercise the right to reduce, eliminate, or modify the multi-use path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (iv) the City places such funds in escrow to be used solely for the purposes outlined in this section; and (v) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the multi-use path requirement under this subsection, the City shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multi-use path in a more cost-efficient manner.

17. Impervious Cover Requirements. The master development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed district ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, and stormwater runoff ordinance, as applicable. Compliance with the impervious requirements shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

18. The subdivision must be serviced by adequate water pressure and sewer capacity. Septic systems are not permitted.

19. Amenities.

a. The following are required amenities: (i) one (1) multi-use field large enough to contain a regulation football and soccer field including soccer goals; (ii) one (1) regulation size basketball court with two (2) backboards, hoops, nets and outdoor lighting; and (iii) two (2) fenced regulation size tennis court with nets and outdoor lighting. Each required amenity shall also have two (2) permanent outdoor benches and two (2) permanent outdoor trash receptacles.

b. For each additional amenity listed below and provided in the subdivision, the required green space may be reduced by one point five percent (1.5%), with a maximum total reduction of four point five percent (4.5%).

(i) Tennis courts—One (1) lighted and fenced facility featuring a minimum of two (2) playing courts.

(ii) Walking trails—At least two thousand (2,000) linear feet, three feet (3') in width. This amenity may be counted only once (i.e., even if the walking trail exceeds two thousand (2,000) linear feet, the maximum green space reduction may be only one point five percent (1.5%)).

(iii) A baseball field—(Reg.) Regulation size.

(iv) A baseball field—(LL) Little league size.

(v) A softball field—Regulation size (adult).

(vi) A soccer field—Regulation size.

(vii) A multi-use field—Football and soccer.

(viii) A multi=use field—Football and baseball.

(ix) A football field—Regulation size.

(x) A lake with a railed dock and accessed by trails.

(xi) A regulation-size basketball court with two (2) backboards, hoops, and nets.

(xii) Other amenity approved by the city council as comparable to those listed here.

c. Amenities provided should be conveniently located for the majority of dwellings and may be located in the required green space. A homeowners' association shall be established and shall be responsible for ownership, liability and maintenance of all amenities.

d. After submitting to the city manager a written request including three (3) estimates per amenity, the city council may accept in lieu of providing an amenity the monetary value of such amenity as determined by the council but not dependent on said estimates. Any accepted funds in lieu of an amenity shall be

used for the sole purpose of providing in the city public green space or public amenities similar to those listed herein.

20. Road Stub Outs Required. The developer shall provide fifty feet (50') to sixty feet (60') wide stub outs for future road interconnectivity between the CRS and adjacent developments. The number and location of said stub outs shall be determined by the city manager and indicated on both the preliminary and final subdivision plats. The developer shall either, as determined by the city manager, construct said road stub outs including curb, gutters and sidewalks, or deposit the cost of such construction with the city in escrow for future construction of said stub outs.

G. Conservation Protection Implementation. The subdivider, developer or property owner shall submit a written management plan for the green space areas prior to the approval of the final plat. The management plan shall include:

1. Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the green space areas;

2. Allocation of responsibility and establishing guidelines for the maintenance and operation of the green space and any facilities located thereon. These guidelines must include provisions for ongoing maintenance and for long-term capital improvements if any;

3. Estimates of the costs and requirements needed for maintenance and operation of, and insurance for, the green space and an outline of the means by which such funding will be obtained or provided;

4. The green space required by this section shall be permanently protected in perpetuity by a conservation easement conveyed to the homeowners' association or other entity approved by the prior city council to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article 1 of Chapter 10 of Title 44 or the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, § 44.10-1. et seq. Enacted by Ga. L. 1192, p. 2227, § 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the homeowners' association, city council and in any other party approved by the city council, and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of the city council and all entities having either a property right or enforcement right therein;

5. The green space areas shall be owned and maintained in accordance with the following criteria provided that the record title to the property and the conservation easement shall be held by different entities:

a. Record title may be held by:

(i) Equal share of undivided interest by each lot owner,

(ii) The homeowners' association, or

(iii) Other entity approved by the city.

b. Conservation easement may be held by:

(i) The homeowners' association,

(ii) The City, or

(iii) Other entity approved by the City, qualified to be a holder under the Georgia Uniform Conservation Easement Act.

c. Maintenance:

(i) Homeowners' association, or

(ii) Other entity approved by the City;

6. Homeowners' Association. In all cases, a homeowners' association shall be established.

Membership shall be automatic and mandatory for all lot owners in the development and their successors and the homeowners' association shall have the power to file liens to collect dues and assessments. The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, § 44-3-220, et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of the conservation easement. The homeowners associations shall be responsible for the maintenance of private alleyways and amenities.

H. Standards for Determining Green Space.

1. The minimum area of green space preserved shall be determined by multiplying the total net usable acres included in the CRS by point four (0.4). The result shall constitute the minimum amount of area that must be preserved.

2. Physiographic Characteristics. The types of land area included in the green space shall include the following:

a. Flood prone areas, flood plains and floodway;

b. Wetlands;

c. Ponds, lakes, including perennial and intermittent streams, rivers, including their required buffer zones;

d. Waters of the state;

e. Wellhead protection zones;

f. Slopes twenty-five percent (25%) and steeper;

g. Areas with shallow bedrock;

h. Areas and soils which when disturbed are prone to excessive erosion;

i. Prime views and vistas;

j. Areas of historical or archeological significance;

k. Cemeteries;

l. Populations of endangered species, or habitat for such species; and

m. Other similar areas which are less suitable for development.

3. The green space shall be an integrated part of the subdivision (as depicted in the hypothetical subdivision shown in Appendix "A") rather than an isolated element, and fragmentation of the greenspace shall be minimized. No land less than fifty feet (50') in width or smaller than ten thousand (10,000) square feet shall be included as green space. Individual greenspace parcels generally shall be larger than three (3) acres. Exceptions may be made for entrances to trails, pocket parks and other particular uses as deemed appropriate by the city council.

4. Greenspace shall be located, to the greatest extent practical, to provide for interconnected greenways or vegetated corridors within the city and between jurisdictions.

5. The green space shall he directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the green space.

6. Where practicable, green space areas shall also be configured to provide a greater buffer area than the minimum buffer required hereunder between adjoining property outside the conservation residential subdivision and the dwelling lots within the subdivision.

I. Permitted Uses of Green Space.

1. Uses of green space may include the following:

a. Conservation of natural, archeological or historical resources;

b. Meadows, woodlands, wetlands, wildlife corridors, game preserves or similar conservation oriented areas;

c. Multi-use paths, private alleyways where they include multi-use paths or walking trails;

d. Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests (including required amenities and additional amenities);

e. Other conservation-oriented uses if approved by the city council.

2. Prohibited uses of green space include the following:

a. Roads and other impervious surfaces (except for required amenities and additional amenities) unless approved by the city council;

b. Other uses inconsistent with the purposes of the zoning ordinance or the purposes of this section.

J. Quality Construction Density Bonuses. Prior to the approval of the final plat, the subdivider may choose to enhance the construction quality of the development according to the standards listed below and receive the corresponding density bonus. The maximum total of all density bonuses used shall not exceed the maximum net density permitted herein for the underlying zoning district applicable to the property. Quality construction standards implemented by the subdivider shall be noted as a requirement on the final plat. Allowable density bonuses include the following:

1. Zero point one (0.1) bonus density units per net usable acre for each additional ten percent (10%) of the dwellings constructed with all sides brick above the minimum siding requirements hereunder.

2. Zero point one (0.1) bonus density units per net usable acre if eighty percent (80%) or more of the dwellings in the subdivision are built with front porches a minimum of ten feet in length by six feet in width (10′ × 6′).

3. Zero point zero five (0.05) bonus density units per net usable acre for an additional one hundred (100) square feet increase in the minimum dwelling floor space required for the development, but the total amount of bonuses for this enhancement shall not exceed zero point twenty five (0.25) bonus density units.

4. Zero point one (0.1) bonus density units per net usable acre for installation of traffic calming devices appropriately located throughout the development such as speed tables (but not humps/bumps) and/or landscaped roundabouts.

5. Zero point one (0.1) bonus density units per net usable acre for an additional entrance and exit onto a paved public street of collector designation or greater, but the total amount of density bonuses for this enhancement shall not exceed zero point one (0.1) bonus density units.

K. Miscellaneous Provisions.

1. In the event of a conflict between the ordinance codified in this chapter and any other ordinance or code provision, the terms of this chapter shall control.

2. Failure to comply with any of the requirements set forth in this chapter will entitle the City to suspend any and all permits issued concerning the development, including building permits, to issue a stop work order and to take other measures designed to ensure compliance with this section, to the extent provided by law.

Sec. 2.10.00. Establishment of overlay districts

Sec. 2.10.01. *Generally*

These districts are superimposed on portions of one or more underlying zoning districts that allow application of additional standards addressing a special purpose, such as historic preservation or floodplain protection. An overlay district may be used to add a village center or community commercial district as described in the comprehensive plan. See Sec. 4.02.00 concerning the regulations for overlay districts.

Sec. 2.10.02. *High-rise mixed use overlay district*

A. Purpose. The purpose and intent of the high-rise, mixed use overlay district are:

1. To allow for an area of Stockbridge where vertical mixed use development is encouraged;

2. To allow for planned high-rise development;

3. To provide a project with residences and/or hotel rooms above offices and/or retail uses;

4. The requirements of this district are not intended to apply to single-family or multi-family residences. The requirement for such uses shall be those provided under the appropriate zoning classifications for such uses, except where the condominium use is located in a building containing another permitted use in this district;

5. Furthermore, it is the intent of the mayor and city council that this section be read together with existing ordinances in this chapter, but should there arise a conflict, this section shall control.

B. Applicability and General Requirements. The high rise mixed-use overlay district shall apply to those properties in the RM, O/I, C-2 and C-3 districts located within the area depicted in Exhibit "A" attached to the ordinance codified in this section and incorporated herein by reference. In this overlay district, a landowner may build buildings over four (4) stories in height, provided it complies with the requirements of this overlay district. Furthermore, high-rise buildings must contain at least two (2) of the following mixed uses: residential units as permitted herein, retail and service uses as permitted herein and/or office/institutional uses as permitted herein.

C. Permitted Uses. The following uses are permitted in the high-rise mixed-use overlay district:

1. Auditoriums;

2. Banks and financial institutions;

3. Bars/Taverns;

4. Condominiums, with a minimum square footage as follows: seven hundred and fifty (750) square feet for one bedroom, one thousand (1,000) square feet for two (2) bedrooms, an additional two hundred (200) square feet per bedroom for three (3) or more bedrooms;

5. Conference centers;

6. Day care facilities;

7. Educational facilities;

8. Health club;

9. Hotel uses with the exception of extended stay hotels (where guests stay longer than fourteen consecutive days) which are not permitted; for purposes of this section, hotel uses are considered commercial in nature;

10. Libraries, museums and galleries;

11. Office, including professional and medical offices;

12. Parks, playgrounds, trails, greenways, outdoor recreational and entertainment facilities and natural areas;

13. Restaurants, cafes and coffee shops, not including drive-through or franchise architecture;

14. Retail and service businesses not exceeding five thousand (5,000) square feet of floor space including, but not limited to, the following uses: catering; confectionary (candy) stores; antique and small furniture shops; tailors; apparel and consignment shops; custom dress making or millinery shops; bakery shops; drug stores and pharmacies; florists; small scaled bookstores, stationary and gift shops; photographers, including the sale of supplies and equipment; music stores; hardware stores; jewelry stores; optical stores; shoe sales and repair; barber and beauty shops; hobby and craft shops; general/grocery/health food stores; news and tobacco shops; hair and beauty salons; and dry cleaning or similar business; and

15. Theatres.

D. Accessory Uses. The following are permitted accessory uses in the high-rise, mixed use overlay district:

1. Off-street parking as regulated by subsection G of this section, but not including parking for semi-trailer trucks;

2. Off-street loading as regulated by subsection G of this section; and

3. Fencing, screening and landscaping as permitted and regulated by this section.

E. Design Standards. All structures in this district must meet the following minimum structural and architectural design standards. Any person planning to build, construct or develop shall submit design plans to the development director for review and recommendation. The development director shall forward the plans and recommendation to the mayor and city council within thirty (30) calendar days of

submission. The mayor and city council shall hold a duly advertised (not more than forty-five (45) calendar days and not less than fifteen (15) calendar days prior to the hearing date) public hearing to consider the submitted plans for conformance with the design standards set forth below, and public comments. After the public hearing, the mayor and council shall approve, approve with conditions, or deny the design plans.

Design plans must be approved or approved with conditions prior to issuance of any permits for development of the property pursuant to this section. Although not required, it is recommended that the builder or developer present their design plans at a meeting with nearby property owners prior to the public hearing.

1. Mixed Uses. The high rise buildings shall include at least two (2) of the following uses: residential, commercial (service and retail), office/institutional as permitted herein. If the high rise building contains a residential use, then no less than twenty percent (20%) of the gross square footage of the building shall be used for commercial or office/institutional uses as permitted herein.

2. Colors. Colors used for exterior surfaces, including roofs, shall be harmonious with surrounding development. Examples of incompatible colors include shiny metallics, neons, and/or primary colors. Masonry walls shall not be painted; color shall be integral to the masonry materials.

3. Fire Safety Equipment. Compressed-air filling stations for firefighter's SCBAs shall be located on every other floor in the stairwells. Hose stations for firefighters shall be located on every other floor in the stairwells. Public Safety 800 Radio Amplification Systems shall be provided inside the building for public safety communications.

4. Prohibited Materials. The exterior siding of buildings or structures shall not be constructed of sheet aluminum, asbestos, iron, steel, corrugated metal, vinyl, plastic or fiberglass siding. Face materials which rapidly deteriorate or become unsightly such as galvanized metal or unfinished structural clay tile are not permitted.

5. Mechanical Equipment and Utilities. All mechanical equipment such as furnaces, air conditions, elevators, transformers and utility equipment, whether on roof or mounted on the ground, shall be completely screened from contiguous properties and adjacent streets and constructed out of materials compatible with the architectural treatment of the principal structure. All new public or private utilities shall be constructed underground.

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

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

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

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

10. Streetscape. A streetscape is the sum of the man-made and planted features within and adjacent to the street right-of-way that create the character of the public space. The streetscape often includes sidewalks, street trees and plantings, street furniture such as benches, street lights, signs, trash receptacles, railings and fences, fountains, planters, banners and flags, public art and similar publicly visible features. New construction shall provide an eight foot (8') wide sidewalk; six feet (6') of the front setback shall be sodded and serve as a landscaped buffer between the street and the sidewalk. The landscaping of these buffer areas shall consist of at least one (1) tree or more as needed to provide a continuous balanced streetscape with no greater than forty feet (40') spacing between trees. The exact species and location shall be determined by the city manager. Additional vegetation shall be required according to the landscaping provisions of the Stockbridge Zoning Ordinance as adopted. New construction shall provide one (1) metal trash receptacle and one (1) metal bench for every entrance to the high rise mixed use building.

11. For any new construction the entire length of the road frontage shall be curb and gutter.

12. A minimum of fifteen percent (15%) of the lot area shall be dedicated to green space.

13. There shall be an enhanced vegetative buffer of ten feet (10') along the property boundary. The buffer may be included in the required setbacks and required green space.

14. The building shall be constructed out of materials and in a manner to conserve natural resources such as water, natural gas and electricity.

F. Area and Bulk Standards.

1. Lot area: Minimum of two (2) acres.

2. Lot width at front yard setback line: Minimum of fifty feet (50').

3. Minimum lot depth: one hundred feet (100').

4. Yard dimensions:

a. Front setback: Minimum of thirty feet (30') from the curb;

b. Side yard (each side): Minimum of ten feet (10');

c. Rear yard: Minimum of ten feet (10').

5. Height requirement: Maximum building height thirty (30) stories; minimum of five (5) stories; the first finished floor level being level with sidewalk grade.

6. Maximum residential density shall not exceed forty-five (45) dwelling units per acre.

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

G. Required Parking Facilities.

1. Parking must be provided on-site, with no less than seventy-five percent (75%) of the spaces located within a parking structure for buildings five (5) stories or higher.

2. Plans for off-street parking and loading facilities within this district shall be reviewed by the development director. In general, the minimum amount of parking required shall be as follows:

a. If the primary building will contain multiple non-residential uses, then the amount of required parking shall be no less than the number of required spaces for each use, but the loading spaces may be shared by non-residential uses as determined by the development director.

b. If one (1) of the non-residential uses is a hotel, then in addition to the required parking for the other non-residential uses, one point one (1.1) spaces for each hotel room shall be provided.

c. If condominiums are used in the building, then in addition to the required parking for the other uses, there shall be one point five (1.5) spaces for one (1) bedroom condominiums, one point eight (1.8) spaces for two (2) bedroom condominiums, and two (2) spaces for three (3) or more bedroom condominiums.

However, the development director may recommend and mayor and city council may require such off-street parking and loading spaces as deemed appropriate for the proposed use(s) including reductions or increases in the required spaces. Also, off-street parking facilities not located in a parking structure shall have at least a ten foot (10') wide buffer between the facility and streets, off-street parking lots shall have an island eight feet (8') in width separating isles of parking every twelve (12) spaces. Buffers and islands shall be landscaped with sod, three (3) gallon drought resistant shrubs (four (4) per parking space) and one (1) two and one-half (2 ½) caliper hard-wood canopy trees per island or a number to be determined by the development director for buffer areas and approved by mayor and city council. Off-street parking facilities shall be illuminated with downcast lighting using energy efficient bulbs and of moderate brightness.

3. The development director may recommend and the city council may require a monetary or other contribution toward community parking facilities in lieu of off-street parking facilities. These funds shall be placed in an account for the sole purpose of providing parking within this district.

Sec. 2.10.03. *Old downtown overlay district*

A. Description of District. The Old Downtown Overlay District mainly consists of the historic city of Stockbridge which is depicted in Exhibit "A" and incorporated herein by reference.

B. Purpose. The purpose and intent of the Old Downtown 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 where appropriate in a manner consistent with its traditional character;

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

4. The requirements of this district are not intended to apply to single-family or multifamily residences. The requirements for such uses shall be those provided under the appropriate zoning classifications for such uses, except where the multi-family or single-family use is located in a building containing another permitted use in this district;

5. Furthermore, it is the intent of the mayor and city council that the ordinance codified in this chapter should be read together with existing ordinances, but should there arise a conflict, the ordinance codified in this chapter shall control.

C. Permitted Uses. The following are permitted uses in the Old Downtown Overlay District:

1. Residential units located on upper floors above and/or to the rear of commercial and/or office uses; however, such uses must be fee simple condominiums or town houses;

2. Multi-family residential buildings, excluding apartments, subject to requirements for such uses as provided under the multi-family residence district ("RM") zoning classification;

3. Single-family residences subject to requirements for such use as provided under the appropriate zoning classification;

4. Commercial and office uses permitted hereunder in the same building;

5. Banks and financial institutions;

6. Bed-and-breakfast establishments;

7. Day care centers, subject to requirements for such centers and in accordance with appropriate home occupations regulations;

8. Customary home occupations;

9. Libraries, museums and galleries;

10. Governmental buildings and related uses;

11. Music, dance or exercise studios;

12. Offices, including professional and medical offices;

13. Parks, playgrounds, trails, greenways, outdoor recreational and entertainment facilities and natural areas;

14. Places of worship, churches and related uses;

15. Public and private schools and other facilities, exclusive of day care centers;

16. Restaurants, cafes and coffee shops, not including drive-through or franchise architecture;

17. Retail and service businesses not exceeding five thousand (5,000) square feet of floor space including, but not limited to, the following uses: catering; confectionary (candy) stores; antique and small furniture shops; tailors; apparel and consignment shops; custom dress making or millinery shops; bakery shops: drug stores and pharmacies; florists; small scaled bookstores; stationary and gift shops; photographers, including the sale of supplies and equipment; music stores; hardware stores; jewelry stores; optical stores; shoe sales and repair; barber and beauty shops; hobby and craft shops; metal/woodworking shops; general/grocery/health food stores; news and tobacco shops; hair and beauty salons; dry cleaning or similar business, and any other establishments deemed appropriate by the development director and approved by city council to be similar and compatible with the above-listed permitted retail and service uses;

18. Studios and shops of artists and artisans;

19. Any adult entertainment establishment business, for profit or not for profit, which contains, distributes, or in any way provides adult material or entertainment is not a permitted use in this district.

D. Accessory Uses. The following are permitted accessory uses in the Old Downtown Overlay District:

1. Commercial or business buildings and structures for a use accessory to the principal use but shall not exceed thirty percent (30%) of the gross floor area of the principal use;

2. Off-street parking as regulated by paragraph (I) of this section but not including parking for semi-trailer trucks;

3. Off-street loading as regulated by paragraph (I) of this section;

4. Fencing, screening and landscaping as permitted and regulated by paragraph (I) of this section;

5. Signs as regulated by the sign ordinance of the city; and

6. Open and outdoor storage, sales, service and rental as an accessory use.

E. Conditional Exceptions. The following are conditional exceptions to the requirements of the Old Downtown Overlay District:

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

2. Commercial displays are permitted within the front set-back provided such displays meet the following requirements:

a. Displays may be no greater than four feet (4 ') wide and five feet (5 ') tall. Under no circumstance may displays extend more than two feet (2 ') into the sidewalk;

b. Displays are permitted between the hours of eight (8:00) a.m. and five (5:00) p.m. and for no more than four (4) days per week. During all other times, no displays shall be allowed;

c. A written description of the specific items to be displayed is filed with the city clerk;

d. If the mayor and city council determine that continuance of a display under this subsection would be detrimental to the health, safety and welfare of the citizens of the city, it may revoke this conditional exception for any individual or business in this district after providing said individual or business with notice and a hearing.

3. Restaurant tables and chairs are permitted in the front setback, but shall not be positioned so that their use blocks or requires use of more than two feet (2 ') of the sidewalk. Within two (2) hours of the posted closing time, such tables and chairs must be stored inside the primary or accessory building.

F. Conditional Uses. The following uses are permitted as conditional uses subject to demonstrated compliance with site design guidelines, compatibility with surrounding land uses and with the purpose of the Old Downtown Overlay District:

1. Other commercial, civic or entertainment uses considered similar in character and intensity to permitted uses;

2. Bars, taverns and clubs subject to the following conditions:

a. The proposed use shall not constitute a nuisance to the neighborhood due to hours of operation, noise or loitering. If, after giving written notice to the owner and holding a public hearing, the city council finds by a majority vote that a bar, tavern or club is in violation of this provision, all city issued permits and/or certificates shall be automatically revoked;

b. The bar, tavern or club is intended to serve primarily the surrounding neighborhood.

3. Billiards and arcades subject to the same conditions as provided under subparagraph (2);

4. Passenger depots and transit shelters.

G. Design Standards. All structures containing non-residential uses, excluding mixed residential and nonresidential uses, in this district must meet the following minimum structural and architectural design standards. The standards apply to new buildings containing non-residential uses and to remodels or expansions of existing buildings. Any person who plans to build, construct, develop, remodel, expand, or the like, shall submit design plans to the development director for review and recommendation. The development director shall forward the plans and recommendation to the mayor and city council within thirty (30) calendar days of submission for approval or denial.

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

2. Permitted Materials. Exterior surfaces, exclusive of windows and doors, of all buildings shall be faced on three (3) sides with one hundred percent (100%) brick and the front side shall be faced with fifty percent (50%) brick, stone or stucco. The remainder of the front side may include wood, stone, decorative glass, decorative block, architectural concrete or precast concrete units, provided that surfaces are molded, serrated, or treated with a textured material in order to give the front side a three-dimensional character. Vinyl, metal, or hardiplank siding may be used in the eves, soffits and gables of a building. Metal roofing material may be acceptable. The type, quality and arrangement of all such permitted materials shall be compatible with other development throughout the district.

3. Colors. Colors used for exterior surfaces, including roofs, shall be harmonious with surrounding development and shall visually reflect the traditional concept of the Old Downtown. Examples of incompatible colors include metallics, neons, and/or primary colors. Masonry walls shall not be painted; color shall be integral to the masonry materials.

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

5. Mechanical Equipment and Utilities. All mechanical equipment such as furnaces, air conditioners, elevators, transformers, and utility equipment, whether on roof or mounted on the ground, shall be completely screened from contiguous properties and adjacent streets to be compatible with the architectural treatment of the principal structure. All new public or private utilities shall be constructed underground.

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

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

8. Outdoor Storage. There shall be no outdoor storage of either materials or products except through conditional exception or variance.

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

10. Streetscape. A streetscape is the sum of the man-made and planted features within and adjacent to the street right-of-way that create the character of the public space. The streetscape often includes sidewalks, street trees and plantings, street furniture such as benches, street lights, signs, trash receptacles, railings and fences, fountains, planters, banners and flags, public art and similar publicly visible features. New construction, exclusive of remodeling, shall provide an eight foot (8') wide sidewalk within the front set-back from the edge of the public street; six feet (6') or the front set-back which shall be sodded and serve as a landscaped buffer between the street and the sidewalk. The landscaping of these buffer areas shall consist of at least one (1) tree or more as needed to provide a continuous

balanced treescape with no greater than forty feet (40') spacing between trees. The exact species and location shall be determined so that it does not overly obstruct the view of the store front. Additional vegetation shall be required according to the landscaping provisions of the Stockbridge Zoning Ordinance as adopted. New construction, exclusive of remodeling, shall provide one metal trash receptacle and one metal bench. New construction, exclusive of remodeling, shall install historic-style street lamps approved by and location chosen by the city manager to provide for the safety of the public.

11. For any new construction, exclusive of remodeling, the entire length of the road frontage shall be curb and gutter.

H. Area and Bulk Standards.

1. Lot area: Minimum of two thousand five hundred (2,500) square feet and maximum of ten thousand (10,000) square feet, except for governmental buildings which shall be determined by the city council based on public need;

2. Lot width at front yard setback line: Minimum of twenty-five feet (25');

3. Minimum lot depth: one hundred feet (100');

4. Yard dimensions:

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

b. Side yard (each side): Minimum of zero feet if attached to or abuts an adjacent building, a minimum of ten feet (10') if side of building is not attached to or does not abut an adjacent building and a maximum of twenty feet (20');

c. Rear yard: Minimum of fifty-five feet (55'), with at least one (1) row of tree shaded parking.

5. Height requirement: Maximum building height: Four (4) stories or fifty-five feet (55') with the first finished floor level being level with sidewalk grade.

I. Required Parking Facilities.

1. On-street parking, either angled or parallel, shall be provided along all public streets, unless otherwise determined by the mayor and city council.

2. Plans for off-street parking and loading facilities within this district shall be reviewed by the development director. In general, off-street parking shall be required for any permitted use within this district in accordance with the parking requirements for such use. In the case of a mixed-use building, the minimum amount of parking required shall be that of the use that provides the greatest number of spaces. However, the development director may recommend and mayor and city council may require such off-

street parking and loading spaces as deemed appropriate for the proposed use, including reductions or increases in the required spaces. Also, off-street parking facilities shall have at least an eight foot (8') wide buffer between the facility and streets, islands eight feet (8') in width separating isles of parking, and separations four feet (4') in width every twelve (12) spaces. Said buffers, islands, and separations shall be landscaped with sod, three (3) gallon drought resistant shrubs (four (4) per parking space) and two and one half (2 ½) caliper canopy trees approved by the development director planted of a forty foot (40') spacing. Off-street parking facilities shall be illuminated with downcast lighting using energy efficient bulbs.

Upon review, the development director shall approve or deny the plans.

3. The development director may recommend and the mayor and city council may require a monetary or other contribution toward community parking facilities in lieu of off-street parking facilities. Said funds shall be placed in an account for the sole purpose of providing parking within this district.

4. Required off-street parking shall not be located within any front yard setback or in front of the principal building. Parking areas shall be landscaped in accordance with the city zoning ordinance and buffered in accordance with commercial buffer requirements under such ordinance.

Sec. 2.11.00. Supplemental regulations

The following standards shall apply to the specified use.

Sec. 2.11.01. Residential growth regulation

A. Purpose and Intent

1. In addition to the following statements, the preamble of the ordinance codified in this section is incorporated herein by reference. The Atlanta Regional Commission (ARC) 2003 Population and Housing Report identifies Henry County as the fastest growing county in the metropolitan Atlanta Region overseen by ARC. Henry County has grown at a rate of seven percent (7%) per year between the years 2000 and 2003. Atlanta's burgeoning southeastern population growth follows the path of Interstate 75 through Henry County. The city of Stockbridge is located in unincorporated Henry County along I-75.

2. According to the report, single-family housing has continued to dominate the market over the past three (3) years while multi-family housing developments have increased at significant rates in particular areas. Areas where multi-family development continues to grow is where land is located outside the perimeter of Interstate 285 and in close proximity and with good accessibility to interstates and highways. The city is located outside the I-285 perimeter and on I- 75, Georgia State Highway 42 and Georgia State Highway 138.

3. As indicated in ARC's report, multi-family growth is occurring in the city at a rapid rate. The report correctly states that as of the close of 2003, the city's housing stock consisted of approximately sixty-eight percent (68%) single-family housing, twenty-seven percent (27%) multi-family housing and the remaining

five percent (5%) in the form of mobile homes. These percentages, however, do not reflect the approximately five hundred and seventy-one (571) multi-family units to be developed as a result of rezonings approved in 2003.

4. To address these growth trends, the mayor and city council wish to take proactive steps to accommodate and control the amount of single-family housing, multi-family housing and mobile home development within its boundaries. Thus, it is the intention of the mayor and city council and purpose of the ordinance codified in this section to encourage continued diversification of residential uses in the city as well as accommodate its fair share of the region's residential growth in a manner consistent with both the proximity of the city to the center of regional growth and the history of residential land uses developed in the city.

B. Residential Growth Limitation

1. Single-family housing, which consists of single-family detached homes in an RA, R-1, R-2, or R-3 zoning classification in the city shall not comprise less than seventy percent (70%) of the housing stock. Multi-family housing, which consists of the RM classification regulating apartments (RM-l), townhouses (RM-2), and condominiums (RM-3) and the RD zoning classification regulating duplexes, shall not comprise more than twenty-nine percent (29%) of the city housing stock.

Mobile homes built under the RMH or grandfathered RM-75 zoning classifications shall not comprise more than one percent (1%) of the city housing stock.

2. Within the category of single-family housing as described in subsection B. 1. of this section, homes built under an R-3 zoning classification shall not exceed thirty percent (30%) of the overall single-family housing stock for the city; and the remainder of the single-family housing stock developed under an RA, R-l, and R-2 zoning classification shall not be less than forty percent (40%) of the overall single-family housing stock in the city.

C. Administration

1. Housing Inventory. For purposes of determining whether or not a proposed development in the city will violate the residential growth limitations set forth in this section, the development director shall determine the housing inventory for the city. The housing inventory shall be based on the total number of housing units that could be built on land zoned for residential use and in accordance with the particular zoning district regulations applicable to the land. The housing inventory shall then be converted into percentages of single-family, multi-family and mobile homes for determination of compliance with the residential growth limitations set forth in subsection B. 1. of this section. Furthermore, the housing inventory for all single-family uses shall be subdivided into percentages of high density single-family and low to medium density single-family use to determine compliance with the residential growth limitations set forth in subsection B. 2. of this section.

2. Quarterly Residential Growth Report. The development director shall document all information required under subsection C. 1. of this section in a quarterly residential growth report, and that report shall be presented to the city council at the first meeting of the council for each quarter. Thereafter, the

development director shall submit that report to the ZAB. The quarterly residential growth report and the ordinance codified in this section shall be considered by the ZAB and the city council whenever they must respectively recommend or decide any amendment to the zoning ordinance, including the zoning map, use variance and any development agreements entered into for residential development of property in the city. The quarterly residential growth report shall be available to the public in the office of the city clerk.

3. No proposed rezoning of property for residential use shall be approved unless the potential or actual housing yield for the property will not violate the residential growth limitations set forth in subsection B. of this section, unless the developer agrees to cap the number of units to a level that would not violate this section.

4. At least once every ten (10) years after adoption of the ordinance codified in this section, the mayor and city council shall reconsider, and adjust if necessary, the residential growth limitations set forth in subsection B. of this section in light of regional and local growth trends and residential development.

5. This section shall not be construed in any way to limit the authority of the City to annex property in accordance with the laws of the state of Georgia.

D. Variances. Each quarter the city council shall have the authority to grant variances for up to a maximum of one hundred (100) dwelling units above the residential growth limitations set forth in subsection B. of this section upon a showing of undue hardship in accordance with the criteria set forth under Sec. 11.02.00. Variances of the ZONING CODE. No administrative variances to this section shall be granted.

E. Appeal.

1. Any person may appeal a quarterly residential growth report within ten (10) calendar days of its presentation to the city council. Such an appeal shall be submitted to the city manager and shall explain the basis for the appeal in writing. Appeals of quarterly residential growth reports shall be heard by the city council at its next regularly scheduled meeting, and a decision shall be made by the city council no later than at the next regularly scheduled council meeting after hearing an appeal.

2. A decision by the city council made pursuant to this section may be appealed by writ of certiorari to Superior Court of Henry County, Georgia, in accordance with the laws of the state of Georgia.

3. Any finding of or penalty imposed by the municipal court of the city pursuant to this section may be appealed by writ of certiorari to Superior Court of Henry County, Georgia, in accordance with the laws of the state of Georgia.

F. Penalty. A violation of the residential growth limitations set forth in subsection B. of this section shall result in a fine not to exceed one thousand dollars ($1,000.00) and/or imprisonment not to exceed thirty (30) calendar days or a combination thereof after a cited person, persons or entity is found guilty or the person, persons or entity pleads guilty or nolo contendere. Violations shall be assessed on a per dwelling unit per day basis. Each violation shall constitute a separate offense and shall be punishable as such.

Sec. 2.11.02. Relocated structures

Sec. 2.11.03. Applicability

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

Sec. 2.11.04. Relocated dwellings defined

A. A relocated dwelling is defined as a pre-existing structure moved to another property or to a different location on the same property. Factory-built modular and manufactured homes as defined in Appendix A. Master List of Acronyms and Definitions are exempt from this section.

Sec. 2.11.05. Permitted use

A. Relocated dwellings shall be a permitted use in the R-A (residential-agricultural) zoning district, only as defined in Sec. 2.11.04 and subject to all lot size and setback requirements of the R-A district. Relocated dwellings shall be subject to all regulations of the Henry County Health Department concerning on-site sewage disposal facilities and private wells.

Sec. 2.11.06. Inspections

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

B. Follow-up inspection. Following relocation of the structure and prior to and for re-inspecting, the owner of the relocated structure shall, at the owner's choice, remove either the interior wall covering on all exterior walls or the exterior wall covering on all exterior walls. If necessary, and at the direction of the development director regarding the interior load-bearing walls, the owner shall remove one side of these interior walls and the City shall then re-inspect the structure to insure that its structural integrity has not been compromised and that any required improvements remain feasible.

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

D. Performance letter of credit or escrow letter of surety required of owner of the structure. To ensure that the structure will meet all current building construction codes of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within six months from the date of issuance of the building permit, the owner of the relocated structure shall provide an irrevocable letter of credit or irrevocable bank escrow letter of surety in the amount of ten thousand dollars ($10,000.00) in a form 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.

E. Building permit. A building permit shall be obtained from the building department 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.

F. Owner certification. All applications for permit shall be accompanied by a sworn affidavit that the applicant is the owner of the relocated structure and the owner of real property on which the structure is to be relocated. Prior to occupancy, the owner shall be required to obtain a certificate of occupancy.

H. Route approval.

1. Structures to be located within the city of Stockbridge. Prior to issuance of a permit for a relocated structure, the applicant must first submit and receive approval from the Police Department and the City of Stockbridge regarding the proposed route. The applicant shall provide the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Such approval and information must be on forms furnished by the development director.

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

I. Requirements for moving companies. Any firm or individual 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 required by the Georgia Department of Transportation.

J. Guarantee of completion. No application for a building permit shall be approved until a performance bond, irrevocable letter of credit, or irrevocable bank escrow letter of surety shall first be provided as referred to in subsection D., above.

K. Time of completion. The work authorized by any permit a for relocated structure must be completed in compliance with all codes and ordinances of the City of Stockbridge within six months from the date of issuance of the building permit, unless extended as provided herein. In the event 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 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 development 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.

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

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

Sec. 2.11.07. Parking and storage of major recreational equipment.

A. Major recreational equipment may be parked or stored on side yards or rear yards or in a carport or enclosed building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot.

The development director is authorized to allow such equipment to be used as living quarters in the following situations provided adequate documentation is provided prior to establishing such:

1. Family hardships and catastrophic events.

2. Temporary visitations.

3. Temporary dwelling when a primary structure is being built or modified on the same property.

4. No more than two such vehicles are allowed to be occupied on site at any one time. No separate permanent utility hook-ups or fixtures may be installed at any time. Furthermore, no recreational vehicle shall create a safety hazard, including blocking, or otherwise obstructing, public rights-of-way or sidewalks. Such equipment may be used for a period not to exceed 30 consecutive days; however, the development director may approve two extensions up to 90 consecutive days each. Any further extensions must be approved by the city manager.

Sec. 2.11.08. Parking and storage of commercial vehicles.

Parking, storing, or maintaining any commercial vehicle shall be prohibited in all residential subdivisions, and in all residential zoning districts except the RA district.

Sec. 2.11.09. Keeping or raising of livestock.

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

Sec. 2.11.10. Abandoned, wrecked, or junked vehicles.

Parking or storing abandoned, wrecked or junked vehicles, power-driven construction equipment, lumber, metal, or any other miscellaneous scrap or salvageable material is prohibited in all residential zoning districts.

Sec. 2.11.11. Accumulation of garbage, trash and rubbish.

It shall be prohibited in all residential districts to place, deposit, or allow the accumulation of, household garbage, rubbish, trash, refuse or any condition that provides harborage for rats, mice, snakes or other vermin.

Sec. 2.11.12. Encroachment on public rights-of-way.

No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public right-of-way. All permanent structures or inorganic objects that are

placed near, but not within the right-of-way, shall be located as to not obstruct, hinder or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public.

Sec. 2.11.13. Posting.

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

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

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

3. For residences which do not use mailboxes and are more than 100 feet from a roadway: Three-inch high light-reflective numbers visible from the roadway with contrasting background; and

4. For all commercial establishments: Three-inch high light-reflective numbers with contrasting backgrounds.

CHAPTER 4. SITE DESIGN STANDARDS

Sec. 4.00.00. Generally

Sec. 4.01.00. Site design standards for base zoning districts

Sec. 4.02.00. Site design standards for overlay districts

Sec. 4.00.00. Generally

Sec. 4.00.01. *Purpose*

The purpose of this chapter is to provide site design and development standards applicable to both public and private development in the city. More specifically, the purposes of the regulations set forth in Chapter 4 are to ensure the proper location, height, bulk and size of buildings and other structures; to ensure the proper size of yards and other features of a development site; to ensure the proper layout and design of subdivisions; and to provide for compatibility between proposed and existing development.

Sec. 4.00.02. *Principles of site design and development*

A. All development shall be designed to avoid unnecessary impervious surface cover, to provide adequate access to lots and sites, to foster compatibility and to ensure site design that is consistent with the standards set forth in Chapter 4. Landscaping, buffering and tree protection standards are applicable to site design and development.

B. No building or structure shall be constructed, installed, erected or altered except in compliance with the site design and development standards set forth in this ZONING CODE.

C. No open space shall be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking, and such other regulations required by this ZONING CODE for the zoning district and/or overlay district in which such open space is located.

D. No part of any yard, other open space, off-street parking or loading space required in connection with any building, structure or use by this ZONING CODE shall be considered to be part of a required yard, other open space, off-street parking or loading space for any other building, structure or use, except as explicitly provided in this ZONING CODE.

Sec. 4.00.03. *Applicability.*

A. Development standards and site design standards described for a base zoning district in Sec. 2.03.00 and Sec. 4.01.00 shall apply to all development within that district.

B. Where an overlay district applies to a site, the standards for that district, as set forth in Sec. 4.02.00, shall apply.

C. In addition to standards for all development within a zoning district, supplemental standards are provided for the MUND zoning district, as well as for specified individual uses. These supplemental standards are set forth in Sec. 4.03.00.

D. Where conflict arises between standards required in a base zoning district, an overlay district, supplemental standards, or specific standards for specific situations, the following rules shall be used in application of standards:

   1. Where a master plan, development agreement, or other legally binding document applies to the proposed development, the standards in the legally binding document shall control.

   2. In all other situations, the stricter standard shall control.

Sec. 4.01.00. Site design standards for base zoning districts

Sec. 4.01.01. *Design standards for lots*

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

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

C. Land that is acquired, dedicated or donated and accepted for public use is exempt from the requirements of subsection 4.01.01. B.

D. Measurement of lot width:

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

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

Sec. 4.01.02. *Dimensional standards for building height and location*

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

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

C. *Encroachments into required setbacks.*

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

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

D. *Setback requirements for corner lots for both the primary and secondary structures.*

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

2. For purposes of this section, a dwelling may be construed to be fronting on a street other than the street that the front entrance faces. In this situation, development plans and plats shall clearly identify the front, side, and rear yards. Setbacks for side and rear yards shall be established according to the standards in Table 4.03.01 (C) through Table 4.03.32 (C) for yards, as indicated on the plan or plat.

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

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

Sec. 4.01.03. *Appearance standards for commercial and industrial buildings*

A. All buildings constructed within the C-1, C-2, C-3, OI, MUND, M-1 and M-2 zoning districts shall meet the development standards in Sec. 2.04.00 or 2.05.00 and the appearance standards set forth in this section.

B. Each commercial or industrial building shall maintain a decorative facade on that portion of the building that faces on all public streets. The decorative facade shall consist of brick, masonry, and/or wood. Glass may be used in combination with brick, masonry, and/or wood. All windows shall be consistent with the decorative facade design, considering materials and color.

C. 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:

   1. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.

   2. 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.

D. 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.

E. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.

Sec. 4.01.04. *Standards for commercial or industrial infill development*

A. *Applicability.* The standards of this section shall apply to proposed commercial or industrial development on a vacant or redeveloped lot in the OI, C-1, C-2, C-3, MUND, M-1, and M-2 zoning districts, where the lots on the same street and in the surrounding area are undeveloped.

B. *Front yard setbacks.* Where the actual front yard setbacks within the surrounding area are greater or less than the required front yard setback as set forth in subsection 4.01.02, the required front yard setback shall be not less than the average front yard setback on the block on which the property is located.

C. *Materials.* Buildings shall be of similar materials, textures and designs as the surrounding area, as determined by the development director.

D. *Building tops or cornices.* Building tops or first floor cornices shall be aligned.

E. *Exceeding predominant height.* Where the height of proposed buildings exceeds the predominant height of buildings in the surrounding area, there shall be a transition in height. The transition shall occur in "step increases" of building height, such that adjacent buildings do not exceed one hundred fifty (150) percent of the height of existing buildings, in compliance with the maximum allowable height of the zoning district.

F. *New building widths.* New buildings shall be consistent with existing building widths, achieved through one (1) of the following methods:

1. The new building shall not exceed the average width of existing buildings in the surrounding area; or
2. The new building shall provide a division of the facade into visible building increments that are no wider than the average width of existing buildings in the surrounding area.

Sec. 4.01.05. *Additional standards for the mixed-use zoning district*

A. In addition to the dimensional standards for the MUND zoning district set forth in Sec. 2.06.01, development in the MUND zoning district shall meet the standards set forth in this subsection 4.01.05.

B. Where nonresidential uses are proposed, shared parking shall be required. The standards for shared parking are set forth in subsection 8.02.08.

C. Development parcels in the MUND zoning district shall provide vehicular access to adjacent parcels by means of connected parking lots, shared driveways, cross-access easements, or other interparcel connections. (See subsection 8.02.08 regarding standards for these types of shared access.)

D. Development may be proposed on a single parcel, or two (2) or more parcels. Where a single development is proposed that includes two (2) or more parcels, the development shall be under unified control and management.

1. The standards for setbacks in subsection 2.06.01 shall apply to the front, side, and rear of the development parcel. Setbacks or building separation on the interior of the development parcel shall be as proposed by the applicant. Such internal setbacks or building separation shall be consistent with fire and building safety requirements.
2. The standards for buffers in Sec. 5.02.00 shall apply on the perimeter of the development parcel. Buffers shall not be required between uses on the interior of the development parcel. This does not relieve the applicant from meeting all landscaping requirements that may apply to the total site or to on-site parking areas.

E. Development proposed within the MUND zoning district shall be integrated.

1. For nonresidential uses: each use or building within a development shall be connected by direct and convenient sidewalks or pathways to provide pedestrian access from one use or building to another use or building. The walking distance between any two (2) uses shall not exceed 660 feet and shall be so stated on the final plat for the development.

2. Parking lots on adjacent lots shall be connected and cross-access easements provided as set forth in Sec. 8.02.08 unless topographic constraints exist to prevent such connections.

3. For a combination of residential and nonresidential uses: the residential portion of the site shall be connected by direct and convenient sidewalks or pathways to provide pedestrian or bicycle access from the residential development to the nonresidential development. The nonresidential portion of the site shall meet the connection standards in subsection E.1., above.

F. Where residential uses are proposed within the same building as nonresidential uses, the residential uses shall be limited to upper floors.

G. Dwellings that are not within the same building as a nonresidential use shall meet the appearance requirements applicable to commercial and industrial buildings in subsection 4.01.03.

Sec. 4.01.06. *Open space standards for the mixed-use zoning district*

A Development in the MUND zoning district shall provide public spaces, subject to the following requirements:

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

2. The following types of spaces may be provided:

   a. Transit stops

   b. Plazas

   c. Courtyards

   d. Atriums

   e. Pavilions or other similar public spaces

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

B. Development within the MUND zoning district shall provide open space, subject to the following requirements:

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

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

a. Parks

b. Playgrounds

c. Picnic grounds

d. Playing fields or courts

e. Trails for jogging or biking

f. Passive open space

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

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

Sec. 4.01.07. *Screening and lighting of parking area in the mixed-use zoning district*

A. Parking areas are required within each MUND zoning district. Location of parking areas in the side and rear yards are encouraged where such parking areas can be partially or wholly screened by buildings from the public right-of-way. (See subsection 8.02.07 for parking lot design requirements.)

B. Exterior lighting for parking areas and building security shall be shielded and directed to avoid direct illumination of adjacent properties, as measured at the property line.

Sec. 4.01.08. *Solid waste collection standards in the mixed-use zoning district*

A. Containers for solid waste collection shall not be located within twenty-five (25) feet of residentially zoned properties. Solid waste collection areas shall be fully enclosed, except for a gate, by a solid wall, solid fence or landscaped buffer not less than ten (10) feet in width. Where a buffer is proposed, it shall contain shrubs selected from the lists of "large screening shrubs" and "small shrubs" in Table 5.01.04 (B). Large shrubs shall be planted every eight (8) feet, on center. Small shrubs shall be planted in a double staggered row as to form a hedge.

Sec. 4.01.09. Reserved

Sec. 4.01.10. *Design standards for single-family dwellings within the RA, R-1, R-2, and R-3 zoning districts*

A. All single family dwellings, including manufactured homes, shall meet the design standards set forth in this subsection 4.01.10.A. Manufactured homes in the RMH zoning district shall meet the standards of the district and standards for manufactured home/mobile home parks set forth in subsection 4.03.16.

1. The minimum width of the building shall exceed sixteen (16) feet.
2. The minimum roof pitch shall be 4:12, with the exception of attached patio covers. The minimum roof pitch of an attached patio cover shall be as required by the current state minimum standard codes for construction.
3. Roof materials shall include wood or cedar shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate or built-up gravel materials. Other roof materials may be used where specifically approved by the development director.
4. The dwelling shall be attached to a permanent foundation. The foundation shall be concrete or masonry blocks joined by mortar or both.
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 eighteen (18) inches and a minimum width of six (6) inches.
6. The exterior siding material shall consist of wood, masonry, concrete, stucco, metal or vinyl lap siding or other materials of similar appearance. Where metal or vinyl lap siding is used, the siding shall not have a shiny surface. Siding materials shall improve or reflect the existing character of the surrounding area.
7. The building shall be constructed according to standards established by the state minimum standard codes, the Standard Building Code, the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Buildings Act (BA). BA compatibility review shall be conducted by the development director to verify that a proposed manufactured home meets the standards set forth in this subsection 4.01.10. Requirements for review are set forth in subsection 12.02.08.

Sec. 4.01.11. *Compatibility standards for manufactured homes*

A. The manufactured home shall be substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to site-built or other forms of housing

that may exist or be permitted under this ZONING CODE in the same zoning district or general area.

B. All towing devices, wheels, axles, and hitches shall be removed from the manufactured home.

C. A landing having a minimum area of thirty-six (36) inches by thirty-six (36) inches shall be provided at each exit door.

D. Windows and doors shall be similar in material, design and appearance to windows and doors on site-built homes in the surrounding area.

Sec. 4.01.12. *Outdoor lighting standards*

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

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

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

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

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

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

4. Use of fixture proposed; and

5. Any other information deemed necessary by the development director.

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

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

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

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

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

5. *Wall-mounted lights:* Wall-mounted lights shall be cut-off, down directional with a maximum of two hundred fifty (250) watts per fixture. The development director may approve wall-mounted lights to up to four hundred (400) watts when there are unique limitations and conflicts associated with a site.

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

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

2. Temporary circus, fair, carnival or civic events.

3. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

4. Temporary lighting.

5. Lighting associated with agricultural activities.

6. Athletic fields.

7. Swimming pools.

8. Holiday decorations.
9. Shielded pedestrian walkway lighting.
10. Residential lighting with no-offsite glare.
11. Street lights.
12. Other uses deemed reasonable by the development director.

Sec. 4.02.00. Site design standards for overlay districts

All overlay districts are applied over underlying zoning districts. Development shall comply with the use and design standards applicable to the underlying zoning district and the design standards required in the overlay district, if any. In any situation where design standards conflict, the stricter standard shall control.

Sec. 4.02.01. *Reserved*

Sec. 4.02.02. *Reserved*

Sec. 4.03.00. Supplemental standards for specific uses

Sec. 4.03.01. *Animal care facilities (kennels, animal hospitals, veterinary clinics, and stables)*

A. Animal care facilities, with the exception of stables and facilities for livestock are permitted in the RA zoning district with an approved conditional use and subject to the site design standards for the district. Stables and facilities for livestock are permitted in the RA zoning district and subject to the site design standards of subsection 4.03.01.G.

B. Animal care facilities, with the exception of noncommercial kennels in the MUND, C-2, C-3, and M-1 zoning districts are subject to the site design standards for the district and specific site design standards in this section.

C. Design standards for an animal hospital or veterinary clinic in a freestanding building are shown in Table 4.03.01. (C).

Table 4.03.01 (C). Standards for Freestanding Animal Hospital or Veterinary Clinic

Development Feature	Standard
Animals allowed	Domestic pets, farm animals and livestock. Wild animals are prohibited
Minimum setback from any residential zoning district for buildings	50 feet
Minimum setback from any residential zoning district for outdoor runs	75 feet
Building design	Consistent with the design, materials, and color of buildings in the surrounding area
Outdoor runs	Drains connected to an approved sanitary facility; odor control required; pest control required
Buffer requirements	1.5 times the buffer requirement of Sec. 5.02.00, plus a fence or wall adjacent to any residentially zoned property
Boarding	Soundproofing required

D. Design standards for an animal hospital or veterinary clinic in a shopping center are shown in Table 4.03.01. (D):

Table 4.03.01. (D). Standards for Animal Hospital or Veterinary Clinic in a Shopping Center

Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum building setback from any residential zoning district	50 feet

Building design	Soundproofing required; odor-proofing required; pest control required
Outdoor runs	Prohibited
Boarding	Prohibited

E. Design standards for commercial kennels are shown in Table 4.03.01. (E).

Table 4.03.01. (E). Standards for Commercial Kennels

Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum land area	two acres in the RA zoning district; 10,890 square feet (sf) in the MUND zoning district; 32,670 sf on septic tank or 10,000 sf on public sewer in the C-2 and C-3 zoning districts; one acre on septic tank and 30,000 sf on public sewer in M-1; and one acre in the M-2 zoning district
Minimum setback from any residential zoning district for any buildings or structures	50 feet
Minimum setback from any residential zoning district for outdoor runs	75 feet
Outdoor runs	Fencing required in addition to any fencing on the perimeter of the site; drains connected to an approved sanitary facility; odor-proofing required; pest control required; hours of operation limited to 7:00 a.m. until 7:00 p.m.
Buffer requirements	1.5 times the buffer requirement of Sec. 5.02.00, plus a fence or wall

	adjacent to any residentially zoned property
Boarding	Soundproofing required

F. Design standards for noncommercial kennels are shown in Table 4.03.01. (F):

Table 4.03.01. (F). Standards for Noncommercial Kennels

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

G. Design standards for stables, including riding academies, barns, and other facilities for farm animals and livestock are shown in Table 4.03.01. (G):

Table 4.03.01. (G). Standards for Stables and Facilities for Livestock

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

Sec. 4.03.02. *Cemeteries*

A. Cemeteries are permitted in all zoning districts, subject to the site design standards of the district and the specific supplemental standards in this section.

B. 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.

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

D. Site design requirements are established in Table 4.03.02. (D).

Table 4.03.02. (D). Standards for Cemeteries

Development Feature	Standard
Minimum land area	
Registered cemeteries (per state law)	10 acres
With a structure requiring a building permit	2 acres
Without a structure requiring a building permit	1 acre
Minimum setbacks for structures, storage, materials, equipment, or interment lots	
Front yard	40 feet
Side yard	20 feet
Rear yard	20 feet
Adjacent to a residentially zoned property	50 feet
Lot dimensions	
Minimum road frontage	100 feet
Minimum buffer requirements[1]	
Front property line	None
Side and rear property lines	See Sec. 5.02.00.
Adjacent to state bodies of water	75 feet[2]
Access for existing cemeteries	Easements for access are required in new subdivisions

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

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

E. *Location requirements.*

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

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

G. *Access.* All cemetery access shall be provided from a City or county maintained roadway or state highway. The entrance and exits to the cemetery shall be from the frontage street, only.

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

I. *Review and approval procedures.*

1. A cemetery shall meet the requirements of Sec. 12.01.00. Application requirements for application, review and approval. Upon approval, a final plat of the cemetery shall be recorded.
2. A drainage plan must be submitted and approved by the development director before cemetery approval may be granted.
3. The owner of a cemetery shall notify the Henry County Health Department of the intent to build a cemetery and shall submit a letter from the County Health Department identifying the location of the cemetery in relation to any known drinking water wells as part of the application process.

Sec.4.03.03. *Centers for manufacturing, production, processing or assembly*

A. *Purpose.* Certain manufacturing, production, processing or assembly uses are permitted in the M-1 and M-2 zoning districts, subject to the site design requirements of the zoning district. However, within this broad group of uses certain uses are permitted within M-1 or M-2 only where supplemental site design standards are met. This section sets forth those specific site design standards that are required in addition to the site design standards of the zoning district in which the use is proposed.

B. *Supplemental standards.* Supplemental standards for asphalt and concrete batch plants, central mixing plants for cement, mortar and plaster and food processing plants are provided in Table 4.03.03.(B).

Table 4.03.03. (B). Standards for Asphalt and Concrete Batch Plants, Central Mixing Plants and Food Processing

Development Feature	Standard
Minimum land area	2 acres
Minimum building or structure setback from residentially zoned properties	100 feet
Buffers	2.0 times the buffer requirements stated in Sec. 5.02.00.
Vibration or electromagnetic interference	Shall not be detected on adjacent properties
Loading docks	Screened from view of adjacent properties and the public right-of-way
Outside storage	Screened from view from adjacent properties and the public right-of-way. Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Enclosed, except for an access gate, and screened from view from adjacent properties and the public right-of-way

Sec. 4.03.04. *Adult and child day care facilities*

A. Applicability. The requirements of this section apply to child and adult day care facilities, nursery schools and preschools. These facilities are permitted in the MUND, OI, C-1, C-2, and C-3 zoning districts. In addition, these facilities may be permitted as a conditional use in the RA, M-1 and M-2 zoning districts. Further, child and adult day care facilities are permitted as a home occupation in all residential zoning districts. Non-home occupation facilities subject to

the requirements of this section shall meet the site design standards of the zoning district and the supplemental standards set forth in this section.

B. All facilities regulated in this section shall comply with state regulations and require applicable state licenses for operation.

C. Home occupation day care facilities shall be limited to the provision of care and supervision to not more than six (6) children or six (6) adults and shall comply with the standards set forth in Sec. 7.01.00.

D. Non-home occupation child day care facilities, nursery schools and preschools shall comply with the standards in Table 4.03.04. (D).

Table 4.03.04. (D). Standards for Non-Home Occupation Child Day Care Centers, Nursery Schools and Preschools

Development Feature	Standard
Minimum land area	1 acre, located on a thoroughfare having a classification greater than local as illustrated on the functional road plan
Place of operation	Freestanding structure, or Within a freestanding religious facility; see subsection 4.03.14(E), or Within a freestanding public or private school
Outdoor play area	Minimum of 200 square feet per child, based on the number of users at any one time, and Fully enclosed by a security chain-link fence, a minimum of four feet in height, or
Adjacent to residentially zoned property	Fully enclosed by a solid decorative fence, a minimum of four feet in height
Indoor play area	Minimum of 35 square feet per child

E. Adult day care centers shall comply with the standards in Table 4.03.04. (E).

Table 4.03.04. (E). Standards for Adult Day Care Centers

Development Feature	Standard
Minimum land area	1 acre, located on a thoroughfare having a classification greater than local as illustrated on the functional road plan
Place of operation	Freestanding structure, or Within a freestanding religious facility; see subsection 4.03.14 (E)

Sec. 4.03.05. *Electrical substations*

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

B. An electrical substation shall be fully enclosed, on all sides with a solid fence except for a gate, or with a landscaped buffer that meets the standards of Table 4.03.05.(B).

Table 4.03.05. (B). Standards for Electrical Substations

Buffer Requirement	Standard
Width	25 feet
Number of trees	1 tree for each 25 linear feet of buffer
Number of shrubs	1 large screening shrub for each 8 linear feet, plus continuous hedge consisting of double staggered rows of shrubs
Plant materials	Selected from list in Sec. 5.01.04. Landscape plant materials standards

Sec. 4.03.06. *Emergency response and public safety facilities*

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

B. Site design standards for emergency response facilities are provided in Table 4.03.06. (B).

Table 4.03.06. (B). Standards for Emergency Response Facilities

Development Feature	Standard
Minimum setback from residential zoning districts	100 feet
Access requirements	Paved road
Buffers	1.5 times the buffer otherwise required by Sec. 5.02.00.

Sec. 4.03.07. *Establishments over 40,000 square feet (large-scale retail centers)*

A. *Purpose.* This section is intended to provide design standards for uses located in large-scale buildings. The purpose is to ensure the compatibility of large buildings and their associated impacts with the surrounding area, and to avoid large, undifferentiated building walls.

B. *Applicability.* Establishments having more than forty thousand (40,000) square feet of floor shall comply with the design standards contained in this section. These standards are in addition to the site design standards of the underlying zoning district. The size threshold refers to an individual establishment and any associated outdoor areas used for display or storage.

C. *Building design standards.* Building design shall meet the standards in Table 4.03.07. (C).

Table 4.03.07. (C). Building Design Standards for Establishments over 40,000 Square Feet

Development Feature	Standard[1]
Facades over 100 feet in length	Provide wall projections or recesses a minimum of three feet in depth and a minimum of 20 contiguous feet long within each 100 feet of facade length. Arcades, display windows, entry areas, or awnings shall be provided along at least 60 percent of the facade. Repeating pattern of color, texture, or materials change is required.
Roof and roof line	Provide a change in height every 100 linear feet of building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view
Exterior building materials	Brick, masonry, and/or wood; stucco to simulate brick, masonry or wood may be used; glass may be used in combination with brick, masonry, and/or wood
Parking	Shall not exceed 110% of the parking standard provided in Sec. 8.02.05. 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	Screened from view from adjacent properties and from the public right-of-way and shall be located in the side or rear of the building or lot. Setback a minimum of 100 feet from any residentially zoned property
Outside storage and displays	1. Neither parking lots, nor areas immediately adjacent to the buildings other than the garden center uses shall be used for the sale of goods. 2. Garden center goods shall be within areas enclosed by decorative fencing and be at least partially screened. 3. Exceptions to this provision include seasonal holiday trees, seasonal sales of nursery supplies, and pumpkin sales. 4. Screened from view from adjacent properties and from the public right-of-way. 5. Setback a minimum of 100 feet from any residentially zoned

	property. 6. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to the entrance of the store.
Refuse and solid waste containers	Enclosed, except for an access gate, and screened from view from adjacent properties and from the public right-of-way.
Seasonal sales (See Sec. 7.03.00 regarding temporary uses)	Shall not occupy any required parking spaces or parking lot aisles.
Open space	A minimum of 20 percent of the site shall be landscaped open space.

[1]Architectural design shall be subject to approval by the development director.

Sec. 4.03.08. *Funeral homes, mortuaries and crematoriums*

A. Funeral homes and mortuaries, with or without crematoriums, are permitted in the OI, C-2, C-3, and MUND zoning districts, subject to site design standards of the zoning district and the supplemental standards set forth in this section.

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

Sec. 4.03.09. *Fueling service stations*

A. Fueling service stations are permitted in the C-1, C-2, C-3, and MUND zoning districts, subject to the site design standards for the district, and the specific site design standards in this section.

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

C. Design standards for gasoline service stations are shown in Table 4.03.09. (C).

Table 4.03.09. (C). Standards for Gasoline Service Stations

Development Feature	Standard
Minimum setback	
Principal building and/or gas pumps and canopy, where side and rear lot lines abutting residentially zoned property	40 feet
Principal building, side and rear lot lines, all other zoning districts	25 feet
Access requirements for corner lot	Access drives shall be a minimum of 20 feet from the intersection of street right-of-way lines
Buffer, adjacent to residentially zoned property	Includes a solid wall or solid fence not less than 6 feet in height in addition to the standards set forth in Sec. 5.02.00.

Sec. 4.03.10. *Golf courses*

A. Golf courses are permitted in RA, R-1, R-2, R-3, RD, RM, RS, and MUND zoning districts, subject to the standards of the district and the supplemental standards in this section.

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

   1. A clubhouse with or without a pro shop, retail sales of golf supplies and accessories, and a restaurant or snack shop.

   2. An equipment building for maintenance, minor repairs, and storage. Storage may include fertilizers, herbicides, pesticides or golf carts.

   3. Driving range and/or putting greens.

   4. Restroom facilities.

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

D. Site design standards for golf courses are provided in Table 4.03.10. (D).

Table 4.03.10. (D). Standards for Golf Courses

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

Sec. 4.03.11. *Commercial greenhouses and plant nurseries*

A. Greenhouses and plant nurseries are permitted in the RA, C-2, and C-3 zoning districts subject to the site design standards of the district and the supplemental standards set forth in this section.

B. Greenhouses and plant nurseries in the RA zoning district shall only sell plants grown on-site.

C. Site design standard for greenhouses and plant nurseries are provided in Table 4.03.11. (C).

Table 4.03.11. (C). Standards for Greenhouses and Plant Nurseries

Development Feature	Standard
Minimum land area	1.25 acres
Outdoor storage and loading areas	Setback from residential properties a minimum of 75 feet. Fully screened, by opaque fence or solid wall, from any view from adjacent properties and the public right-of-way
Storage of loose materials, such as topsoil, compost, mulch, gravel, and similar materials	Fully enclosed by a solid fence or solid wall. Stockpiles of loose materials shall be limited in height to the height of the fence or wall.
Buffer	1.5 times the buffer otherwise required

Sec. 4.03.12. *Hospitals*

A. Hospitals are permitted in the OI, C-2, C-3, and MUND zoning districts, subject to the site design standards of the district. Hospitals may be permitted in the RA zoning district as a conditional use and shall comply with the site design standards of the RA district and the supplemental standards set forth in this section.

B. Site design standards for hospitals are provided in Table 4.03.12. (B).

Table 4.03.12. (B). Standards for Hospitals

Development Feature	Standard
Minimum land area	5 acres

Minimum side and rear yard setback	100 feet
Emergency vehicle access	Shall not face residentially zoned properties

Sec. 4.03.13. *Radio and television stations* (Reserved)

Sec. 4.03.14. *Mass assembly centers and grounds (fairgrounds, outdoor amusements, amphitheaters, convention centers, civic centers, rodeos, armories, places of worship and athletic fields)*

A. Fairgrounds, outdoor amusements, amphitheaters, civic centers, convention centers, rodeos and armories may be approved as a conditional use in RA, MUND, C-2, C-3, M-1 and M-2. Such facilities shall meet the site design requirements of the applicable zoning district and the additional site design standards set forth in this section.

B. Fairgrounds, outdoor amusements and amphitheaters at which activities occur primarily out of doors shall also meet the site design standards of Table 4.03.14. (B).

Table 4.03.14. (B). Standards for Fairgrounds, Outdoor Amusements and Amphitheaters

Development Feature	**Standard**
Minimum setback for buildings	
Abutting residential zoning districts	200 feet
Abutting nonresidential zoning districts	100 feet
Minimum setback for outdoor stage or performance area	
Abutting residential zoning districts	600 feet
Abutting nonresidential zoning districts	200 feet
Minimum setback for parking lots and access	200 feet

drives, when abutting residential zoning districts	
Parking lot design	Aisles may be paved; Spaces may be paved, grass, dirt, or gravel
Minimum buffer	2.0 times the buffer specified in Sec. 5.02.00, plus a wall with noise abatement features
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from all property lines
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties

C. Outdoor amusements include such activities as miniature golf, carnivals or midway rides, pony rides, climbing walls, tracks for go-carts and similar vehicles, and other tourist-oriented rides and amusements. Temporary activities or special events that include outdoor amusements are also regulated in subsection 7.03.01.

1. Outdoor amusements may be freestanding, or two (2) or more amusements may be combined on a unified development site.
2. Outdoor amusements may include accessory uses, such as snack shops or food stands, gift shops, ice cream stands, or similar uses, provided that such uses are not open to the public without entrance to the outdoor amusement.
3. Site design standards for outdoor amusements are shown in Table 4.03.14. (C).

Table 4.03.14. (C). Standards for Outdoor Amusements

Development Feature	Standard
Minimum land area	2 acres
Minimum setback for buildings	
Abutting residential zoning districts	200 feet
Abutting nonresidential zoning districts	100 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	100 feet
Minimum buffer	1.5 times the buffer specified in Sec. 5.02.00, plus a fence or wall
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from any residentially zoned property

Refuse and solid waste containers	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines

D. Convention centers, civic centers, centers for performing arts and armories (where activities occur primarily indoors) shall meet the site design standards in Table 4.03.14.(D).

Table 4.03.14. (D). Standards for Convention, Civic and Performing Arts Centers and Armories

Development Feature	Standard
Minimum land area	5 acres
Minimum setback for buildings	
Abutting residential zoning districts	100 feet
Abutting nonresidential zoning districts	50 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	100 feet
Access management Traffic flow	Designed to avoid residential and local streets
Minimum buffer	1.5 times the buffer specified in Sec. 5.02.00.
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property

Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Fully screened from view from adjacent properties and the public right-of-way Setback a minimum of 100 feet from residentially zoned property
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties

E. Places of worship and similar religious facilities. Religious facilities, together with specified accessory uses and structures, are permitted in the MUND, OI, C-1, C-2, and C-3 zoning districts subject to the standards of the zoning district. An approved conditional use is required for religious facilities within the M-1 and M-2 zoning districts, subject to the standards of the zoning district and in accordance with subsection 4.01.03, appearance standards for commercial and industrial buildings. Ancillary and accessory uses for places of worship and religious facilities are permitted within the M-1 and M-2 zoning districts, subject to supplemental standards. Religious facilities, together with specified accessory uses and structures, may be permitted as a conditional use in the RA, R-1, R-2, R-3, RS, RD, RM, and RMH zoning districts, subject to the standards of the district and the supplemental standards set forth in this section. Site design standards for places of worship and similar religious facilities are provided in Table 4.03.14. (E).

Table 4.03.14. (E). Site Design Standards for Places of Worship and Similar Religious Facilities

Development Feature	Standard
Minimum site area, including structures and associated parking	2 acres
Road frontage	200 feet
Buffers (sides and rear)	20 feet
Building materials	Brick, stone, stucco, glass, cement fiberboard or masonry

	materials compatible in the surrounding area
Building setbacks	50 feet from all property lines

1. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the primary use. Such uses and activities shall be limited to the following:

    a. Religious instruction or similar instruction or study typically associated with the religion;

    b. Offices to support the establishment;

    c. Child or adult day care center;

    d. Private academic school;

    e. Fellowship hall, with or without a kitchen (which may also be known as a community center, activity hall or life center);

    f. Recreation facilities, including athletic fields;

    g. Individual meeting spaces; and

    h. Parsonage.

2. All accessory uses are subject to the following requirements:

    a. (Reserved)

    b. The facility housing the accessory use shall meet all local, state, or federal standards.

    c. The operator of the accessory use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.

    d. Loudspeaker or paging systems shall be located to ensure that they cannot be heard at the property line of adjacent properties.

    e. All outdoor activities shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.

    f. Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property.

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

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

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

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

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

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

    b. Notwithstanding subsection 4.03.14.E.5, the total floor area allocated to the school may exceed twenty (20) percent of the total floor area on the site, provided that the area allocated to the school meets the requirements of Sec. 4.03.22.

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

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

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

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

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

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

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

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

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

7. A specific parking plan shall be provided. This plan shall identify the principal use and each accessory use proposed on the site. The parking plan shall indicate the hours of operation and peak times of use (parking demand) for the primary use and each accessory use on the site. The parking standards for the principal use and each accessory use shall be identified based upon ZONING CODE requirements set forth in Sec. 8.02.00. The parking plan may propose reduced or shared parking, as set forth in subsection 8.02.08. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

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

F. Athletic fields may be located in any zoning district and shall meet the site design standards in Table 4.03.14. (F).

Table 4.03.14. (F). Standards for Athletic Fields

Development Feature	Standard
Minimum site area, including structures and associated parking	1 acre
Road frontage	100 feet
Buffers (sides and rear)	20 feet
Building materials	Brick, stone, stucco, glass, cement fiberboard or masonry materials compatible with structures in the surrounding area

Building setbacks	50 feet from all property lines
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Parking lot design	Aisles may be paved. Spaces may be paved, grass, dirt, or gravel

Sec. 4.03.15. *Mines and quarries*

A. Development of natural resources, including removal of minerals and other natural materials, together with necessary buildings and machinery, is allowed in the M-2 zoning district, subject to applicable law and the supplemental standards of this section.

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

C. The area where mining or quarrying operations are conducted shall be fully enclosed with a fence or wall.

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

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

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

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

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

G. Applications for approval of new mines or quarries or the expansion or extension of mines or quarries shall comply with the procedures set forth in Chapter 12. Applications shall demonstrate compliance with all state and federal laws and regulations applicable to mines and quarries.

Sec. 4.03.16. *Mobile home or manufactured home parks*

A. A mobile home or manufactured home subdivision shall comply with the dimensional standards set forth in Tables 4.03.16(D) and 4.03.16(E), and with the subdivision design standards set forth in the Subdivision Ordinance. All mobile home or manufactured home developments that are not subdivisions shall be considered parks.

B. A mobile home or manufactured home park ("park") is permitted in the RMH zoning district, and shall comply with the standards set forth in this section.

C. A park shall be a unified development site.

D. Certain accessory uses and structures may be contained in a park, provided such uses and structures are incidental to the principal use of the site for a park. The standards of Table 4.03.16. (D). are required for accessory uses and structures.

Table 4.03.16. (D). Standards for Accessory Uses in Manufactured Home Parks

Development Feature	Standard
Office and/or maintenance building	Permitted
Commercial and/or service establishments	Located interior to the park Maximum of 3 percent of the land area Limited to residents of the park
Home occupations	Permitted, subject to the standards in Sec. 7.01.00
Sales or repair of mobile homes	Prohibited, except that the owner of an individual mobile home may offer that unit for sale
Minimum setbacks for accessory structures	
From a federal or state highway	200 feet
From the exterior boundary of the park	40 feet

E. The site design standards for a Manufactured Home Park are set forth in Table 4.03.16. (E).

Table 4.03.16. (E). Site Design Standards for Manufactured Home Parks

Development Feature	Standard
Minimum site area	25 acres, excluding floodplains and other land not suitable for development
Site location	Arterial street
Minimum site width	200 feet
Minimum recreation or open space area	10 percent of the gross site acreage
Lot identification	A marker is required at each corner
Lot location	Abutting a paved street
Minimum lot area	14,520 square feet
Minimum lot width (measured at pad location)	60 feet
Minimum setbacks on lots	
Front yard	40 feet
Side yard	10 feet
Rear yard	20 feet
From a street within the park	25 feet
From a federal or state highway	200 feet
From the exterior park boundary	40 feet

Minimum heated floor area	720 square feet
Patio requirements	Paved or all-weather material
Minimum area	200 square feet
Maximum height	35 feet
Storage of boats, recreational vehicles, or other vehicles	Required: Fully enclosed by a fence
Storage other than vehicles	Fully contained within a building
Buffer requirements	
Side and rear boundaries of the park	40 feet
Front boundary, abutting public street	200 feet
Buffer vegetation	Evergreen to provide complete visual screen

1. Standards for recreation or open space areas within parks

    a. Recreation or open space areas may be one (1) contiguous tract or several tracts.

    b. Individual tracts shall be no smaller than one-half (½) acre.

    c. Recreation areas shall be located for convenient access to all park residents.

    d. Street open space shall not be included in the required recreation or open space area.

    e. Up to twenty (20) percent of the required area may be located in the floodplain area.

    f. Recreational parks shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for school-age children.

    g. If the park management fails to maintain open spaces, the City of Stockbridge may provide this service and file a lien against the property owner.

F. Standards applicable to manufactured homes and mobile homes within a park are set forth in Table 4.03.16. (F).

Table 4.03.16. (F). Standards for Manufactured and Mobile Homes within Parks

Development Feature	Standard
Manufactured home construction requirements	Documented compliance with the National Manufactured Housing Construction and Safety Act
Mobile home construction requirements	Documented compliance with the National Mobile Home Construction and Safety Act Only homes built after June 15, 1976, shall be allowed
Manufactured home installation requirements	Compliance with Chapter 120-3-7 of the Rules and Regulations of the Office Commissioner of Insurance — Safety Division, State of Georgia or per the manufacturer requirements
Additions	Shall not encroach into required open spaces; building permits required
Screening of undercarriage (skirting)	Required, using approved construction materials Installed within 60 days of manufactured home set-up

G. Structural requirements for manufactured homes in parks.

1. Each manufactured or mobile home unit shall be installed in compliance with the manufacturer installation requirements or with Chapter 120-3-7 of the Rules and Regulations of the Office of Commissioner of Insurance — Safety Fire Division.
2. The manufactured or mobile home unit shall be installed true and plumb.

H. Requirements for utilities in a park.

1. Each park shall be served by central water, sanitary sewer, electricity, gas (if available), and a central television antenna system or cable.
2. All utilities shall be located underground.
3. Each manufactured or mobile home shall be connected to public water and sanitary sewer facilities that comply with City or County requirements.

4. An electrical outlet supplying both sixty (60) and one hundred fifty (150) amperes of service shall be provided for each lot. All such outlets shall be weatherproof, and installations shall meet the requirements of the National Electrical Code.

I. Requirements for streets within a park.

1. Streets shall be a minimum of twenty-six (26) feet in width.
2. All private streets, driveways and pedestrian walkways within the mobile home park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least five thousand (5,000) lumens.
3. Light poles shall be no more than two hundred fifty (250) feet apart.

J. Requirements for fire protection within a park.

1. Every park shall be equipped at all times with fire equipment in good working order and of such type, size, number, and location as to satisfy applicable fire regulations of the City of Stockbridge.
2. No open fires or burning of leaves or other refuse shall be permitted within the boundaries of any park.

K. Requirements for sanitation within a park.

1. The area around and under each mobile home unit shall be kept clean and free from collections of refuse, rubbish, glass bottles or other unsightly material.
2. Central trash and refuse collection facilities shall be provided. Waste shall be removed from the premises and disposed of according to a schedule sufficient to avoid creating a nuisance or health hazard.

Sec. 4.03.17. *Recreational vehicle parks*

A. Recreational vehicle (RV) parks are permitted in the RA, and C-3 zoning districts, subject to the site design standards of the zoning district and the supplemental standards of this section.

B. Recreational vehicle parks may include motor homes, travel trailers, pop-up trailers, tents, and other similar vehicles.

C. The condition of soils, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.

D. Accessory uses and structures permitted in the recreational vehicle park include management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park. Standards for accessory uses are presented in Table 4.03.17. (D).

Table 4.03.17. (D). Standards for Accessory Uses in Recreational Vehicle Parks

Development Feature	Standard
Minimum site area, including structures and associated parking	10 percent of gross area of park
Use of accessory structures	Limited to park tenants
Storage of unoccupied units	Fully enclosed by a solid fence, solid wall, or opaque buffer

E. Site design standards for recreational vehicle parks are set forth in Table 4.03.17. (E).

Table 4.03.17. (E). Site Design Standards for Recreational Vehicle Parks

Development Feature	Standard
Minimum site area	5 acres
Maximum density	5 RV lots per gross acre
Minimum lot width of entire site	300 feet
Access	Prohibited through residential zoning districts
Minimum front yard setback for entire site	50 feet from public right-of-way
Minimum lot width for individual lot(s) on the site	20 feet

Minimum lot length for individual lot(s) on the site	40 feet
Minimum usable open space	200 square feet per individual lot on the site
Occupancy of individual lots	Maximum of 30 calendar days
Buffers	1.5 times the buffer otherwise required by Sec. 5.02.00.
Internal street width	28 feet from edge to edge

F. Garbage and refuse collection facilities shall be provided as follows:

1. Each lot shall be provided with an approved metal garbage container with a tight-fitting cover. The container shall be kept in sanitary condition and shall be stored at least three (3) inches off the ground, preferably on a metal rack or hanger for such purpose.
2. Waste shall be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to insure that the garbage can shall not overflow.

Sec. 4.03.18. *Group homes, nursing homes, assisted living and hospice care facilities*

A. Group homes, nursing homes, assisted living and hospice care facilities are permitted in the following zoning districts: RA with an approved conditional use and subject to the standards of the district and the supplemental standards set forth in this section.

B. The site design standards presented in Table 4.03.18.(B) are required for care homes, group homes, nursing homes, assisted living and hospice care facilities.

Table 4.03.18. (B). Standards for Group Homes, Nursing Homes, Assisted Living Facilities and Hospice Care Facilities

Development Feature	**Standard**

Minimum site area	2 acres (not in a subdivision)
Minimum setbacks, side and rear yards	50 feet
Place of operation	Single-family home, freestanding structure, or within a religious facility
Number of children or adults	More than one
Hours of operation	Any time over 8 hours (24-hour supervision)
Parking	One standard off-street parking space per one bedroom shall be provided (See Table 8.02.05. (D))

Sec. 4.03.19. *Personal care homes*

A. Personal care homes are permitted in all residential zoning districts and subject to the standards of the district and the supplemental standards in this section. An approved conditional use is required for all non-home occupation care homes, except in the RA zoning district a four (4)-client personal care home is permitted without an approved conditional use. An approved conditional use is required for more than four (4) clients in the RA zoning district.

B. Home occupation personal care homes shall be limited to the provision of care and supervision to not more than three (3) persons and shall comply with the standards set forth in Sec. 7.01.00.

C. A state license is required for all personal care homes in accordance with O.C.G.A. § 31-7-12.

Sec. 4.03.20. *Roadside produce stands*

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

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

C. Roadside and produce stands shall meet the site design standards in Table 4.03.20. (C).

Table 4.03.20. (C). Standards for Roadside Produce Stands

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

Sec. 4.03.21. *Salvage yards or junkyards and wrecker services (with storage area)*

A. Salvage yards and junkyards are permitted in the M-1 and M-2 zoning districts, subject to the standards of the district and the supplemental standards in this section. An approved conditional use is required for all salvage yards and junkyards. In addition, salvage yards shall be required to have minimum lot size of two (2) acres for properties zoned M-1 and one (1) acre for properties zoned M-2.

B. The site design standards for salvage yards and junkyards are set forth in Table 4.03.21. (B).

Table 4.03.21. (B). Standards for Salvage Yards and Junkyards

Development Feature	Standard
Minimum setback	200 feet from all abutting property lines

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

C. Sanitary landfills shall not be permitted.

D. Wrecker services (with storage area) are permitted in the M-1 and M-2 zoning districts, subject to the standards of the district and the supplemental standards of this section. An approved conditional use is required in the aforementioned zoning districts.

E. The site design standards for wrecker services (with storage area) are set forth in Table 4.03.21. (E).

Table 4.03.21. (E). Standards for Wrecker Services (with storage area)

Development Feature	**Standard**
Minimum lot size	2 acres (if zoned M-1) 1 acre (if zoned M-2)
Screening requirements for storage area Minimum height	Solid wall or solid fence 6 feet
Placement	Behind the rear drip line of the office/primary structure.
Minimum buffer	10 feet wide for any portion of property adjacent to residential or commercially zoned property.
Storage of vehicles	Towed vehicles shall be stored within an enclosed secured area not accessible to the public. No wrecked vehicles shall be stacked within the storage area.

	Storage of non-business related vehicles is prohibited. Storage area must be, at a minimum, gravel covered.
Minimum size of office/primary structure	1,000 square feet, providing restroom facilities and reception area.
Building materials	Masonry front facade
Off-street parking requirements	1 space for each 10,000 square feet of site area or portion thereof, and 1 space for every 300 square feet of professional office space. All required off-street parking shall be located outside of any secured vehicle storage area. Driveway/entrance and public parking area outside of storage area shall be paved with a dust-free surface.

Sec. 4.03.22. *Schools, academic, public or private*

A. Public or private academic schools are permitted in the following zoning districts: OI, C-1, and C-2, subject to the standards of the zoning district, and the supplemental standards of this section: RA, R-1, R-2, R-3, RS, RD, RM, RMH, and MUND.

B. The site design standards presented in Table 4.03.22. (B) are required.

Table 4.03.22. (B). Standards for Public and Private Schools

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

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

Sec. 4.03.23. *Self-service storage facilities*

A. Self-service storage facilities, also called mini-storage or self-storage, are permitted in the C-3, M-1, and M-2 zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.

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

   1. Wholesale sales;
   2. Retail sales, including garage sales, or other commercial activities;
   3. Manufacturing, fabrication, processing, or other industrial activity;
   4. Service or repair of vehicles, engines, electronic equipment or similar activities;
   5. Rehearsal or practice of musical instruments;
   6. Residential and office uses.

C. Notwithstanding the limitations described in subsection 4.03.23.B, above, the following activities may be conducted:

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

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

E. Storage of flammable liquids, highly combustible or explosive materials, or hazardous waste or chemicals is prohibited.

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

G. The site design requirements presented in Table 4.03.23. (G) shall be met.

Table 4.03.23. (G). Site Design Standards for Self-Service Storage Facilities

Development Feature	Standard
Minimum site area	2.5 acres
Maximum site area	5.0 acres
Minimum lot width	100 feet
Minimum setbacks for buildings	
Front yard	75 feet
Side yard	25 feet
Rear yard	25 feet
Buffer requirements, adjacent to the following districts	
Residentially zoned districts	40 feet
OI or C-1	30 feet
C-2	15 feet
MUND or C-3	10 feet
M-1 or M-2	10 feet
Interstate highway	75 feet
Dumpsters and trash containers	Fully screened from view from residentially zoned properties and

	public right-of-way
Outdoor lighting Adjacent to residentially zoned districts	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property. Maximum height of 15 feet
Loudspeakers and paging equipment	Prohibited

H. The design standards presented in Table 4.03.23. (H) are required for self-service storage buildings:

Table 4.03.23. (H). Building Design Standards for Self-Service Storage Facilities

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

	fully consistent with buildings in the surrounding area

I. Outdoor (open) storage is permitted, subject to the standards set forth in Table 4.03.23. (I).

Table 4.03.23. (I). Standards for Outdoor Storage at Self-Service Storage Facilities

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

J. Traffic circulation requirements.

1. Traffic lane widths shall be established to provide for the adequate circulation, safety, and accessibility of trucks, cars, and individuals who utilize dead storage in such facilities.
2. The minimum traffic lane width shall be twenty-five (25) feet.

3. The maximum traffic lane width shall be forty (40) feet.
4. Traffic flow patterns, directional signage, and painted land markings with arrows shall also be clearly marked.
5. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the development director at preliminary plan review.
6. There shall be no aisle ways or other vehicular access ways located in the buffer area or within the designated rights-of-way.

K. The standards set forth in Table 4.03.23. (K) are required for landscaping.

Table 4.03.23. (K). Landscaping Standards for Self-Service Storage Facilities

Development Feature	**Standard**
Location	Inside the fenced area Designed, placed, and maintained so as not to interfere with traffic visibility
Width	15 feet on all street frontages Side and rear yard landscaped areas maintained in natural state to the maximum extent possible
Amount of landscaping	15 percent of the site
Plant materials	Selected from lists in subsection 5.01.04
Trees	1 medium or small tree per 20 linear feet
Height at planting	8 feet, 1 shrub per 24 inches
Hedges	24 inches in height at planting

Sec. 4.03.24. *Truck stops*

A. Truck stops (or truck service centers) are permitted in the C-2, C-3, and M-1 zoning districts, subject to the site design standards for the district, and the specific site design standards in this section.

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

C. Design standards for truck stops are indicated in Table 4.03.24. (C).

Table 4.03.24. (C). Standards for Truck Stops

Development Feature	Standard
Minimum setback	
Abutting residentially zoned property, principal building and/or gas pumps and canopy, where side and rear lot lines	60 feet
Abutting nonresidential zoning districts Principal building, side and rear lot lines	40 feet
Access requirements for corner lots	Access drives shall be a minimum of 40 feet from the intersection of street right-of-way lines
Buffer, adjacent to residentially zoned property	1.5 times the buffer otherwise required in Sec. 5.02.00. In addition, includes a solid wall or solid fence not less than 6 feet in height

Sec. 4.03.25.*Airstrips, airports and helicopters [heliports]*

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

1. Minimum acreage shall be fifteen (15) acres.
2. An undisturbed vegetative buffer shall be provided along all property lines that abut property with a residential zoning classification, except where prohibited to provide access or utility easements. The purpose of the buffer shall be to screen sight or sound of activities from adjacent and nearby residential neighborhoods. The buffer shall be a minimum of one hundred feet (100') in width. Should the property lack existing vegetation, a detailed landscaped plan shall be submitted and approved by the Development Plan Review Department, prior to the submittal of a Conditional Use Application, and shall conform to the plant material requirements and specifications set forth in subsections 5.01.04 and 5.02.04. Existing vegetation within the buffer area should be preserved and enhanced where insufficient to provide adequate screening, but not in excess of that which is required under Sec. 5.02.00.
3. The landing strip/runway shall not be paved. The use of permeable or pervious pavement materials shall be allowed.
4. The private airstrips, airports and helicopters [heliports] shall adhere to all applicable laws and regulations of the Georgia Department of Transportation (GDOT) and Federal Aviation Administration (FAA).
5. No commercial activities shall be allowed or permitted with any approved Conditional Use. The following uses are prohibited: flight instruction, aircraft storage (other than hangars for use by the property owner), aircraft maintenance (other than by the property owner), aircraft fueling (other than for use by the property owner), and other similar commercial airport activities.
6. Only one (1) airstrip per Conditional Use Permit shall be allowed.
7. A maximum of two (2) airplane hangars may be allowed even in the absence of a primary structure to any approved Conditional Use. Any hangars in excess of two (2) shall be required to obtain separate approval from the Mayor and Council, by the filing of a separate application.
8. All hangars constructed shall be required to obtain a permit and approval from the development director and shall comply with any and all development and building regulations and standards.

Sec. 4.03.26. *Livestock processing and feedlots*

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

Sec. 4.03.27. *Lodges and event facilities*

A. Lodges and event facilities are permitted in the MUND, OI, C-1, C-2, and C-3 zoning districts, subject to the site design standards for that district. Lodges and event facilities are permitted with an approved conditional use within the M-1 and M-2 zoning districts, subject to the standards of the zoning district and in accordance with subsection 4.01.03, appearance standards for commercial and industrial buildings. An approved conditional use is also required within the RA zoning district, subject to the supplemental standards set forth in this section.

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

C. The site design standards set forth in Table 4.03.27. (C) are required for lodges and event facilities.

Table 4.03.27. (C). Standards for Lodges and Event Facilities

Development Feature	**Standard**
Minimum site area	3 acres
Minimum lot width	200 feet
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Drop-off and pick-up areas	Designed and located away from residential areas Separated from parking areas

Sec. 4.03.28. *Bed and breakfast facility (not in a subdivision)*

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

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

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

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

D. The site design standards set forth in Table 4.03.28. (D). are required for bed and breakfast facilities (not in a subdivision).

Table 4.03.28. (D). Standards for Bed and Breakfast Facilities

Development Feature	Standard
Maximum number of bedrooms	Six (6)
Maximum floor area of primary structure	50 percent
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Drop-off and pick-up areas	Designed and located away from residential areas Separated from parking areas

Sec. 4.03.29. *Boarding and rooming houses*

A. Boarding or rooming houses are permitted in the following zoning districts: RA with an approved conditional use, OI, C-1, C-2, and C-3 and subject to the standards of the district and the supplemental standards set forth in this section.

B. The site design standards presented in Table 4.03.29. (B) are required for boarding and rooming house facilities.

Table 4.03.29. (B). Standards for Boarding and Rooming Houses

Development Feature	Standard
Minimum site area	2 acres (not in a subdivision)
Minimum setbacks	
Side and rear yards	50 feet
Place of operation	Freestanding structure, or within a religious facility
Number of adults	More than three (3)
Parking	One (1) standard off-street parking space per one (1) bedroom shall be provided (See Table 8.02.05 (D))

Sec. 4.03.30. *Senior adult housing*

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

Senior adult housing may be allowed in these zoning districts as a supplemental use: RA, R-1, R-2, R-3, RS, RD, RM, and MUND provided that at minimum the following restrictions apply. Final plats and all

required construction documents shall include a notation specifying "Age-Restricted Adult Housing: Shall Follow Section 4.03.30."

A. Unit type allowed:

   1. Only single-family detached units may be allowed in RA, R-1, R-2, R-3, and RS districts;

   2. Only two-family units may be allowed in RD district;

   3. Only multifamily units may be allowed in RM district.

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

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

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

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

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

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

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

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

H. 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 homeowners association.

I. Any structure within the development may be fully accessible; however, the minimum standards of this section shall be met. The development shall incorporate universal design features as follows. The application shall include descriptions of the universal design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population.

The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility, sensory, or otherwise functional limitations; and how the design will provide accessible routes between parking areas, sidewalks, front door of the dwelling units, and common areas. These routes shall be a minimum of ten (10) feet, allowing mobility-enhancing devices to meet and pass safely.

1. "No-step" (maximum vertical floor level change of one-quarter (¼) inch, except where a tapered threshold is used which has a maximum height of one-half (½) inch) access to the front door entrance to all dwelling units and community buildings is required. If a no-step front entrance is not feasible, an alternate no-step walkway to the front floor may be approved.
2. A minimum thirty-six-inch wide front door with exterior lighting at the entrance is required. Exterior doors shall be provided with an artificial light source located in the immediate vicinity of the exterior door. The illumination of the exterior light shall be controlled from inside the dwelling except for lights that are continuously illuminated or automatically controlled.
3. All interior doorways must have a minimum of thirty-two-inch clear width in the open position — typically a thirty-six-inch door.
4. A thirty-six-inch fully accessible route must connect throughout the floor 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.

Sec. 4.03.31. *Industrialized and modular buildings*

A. Modular and industrialized buildings within nonresidential zoning districts: OI, C-1, C-2, C-3, MUND, M-1 and M-2 are permitted subject to the standards of the district and the supplemental standards set forth in this section, and must receive architectural design approval from the development director.

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

C. The site design standards set forth in Table 4.03.31. (C) are required for industrialized and modular buildings in all nonresidential zoning districts.

Table 4.03.31. (C). Standards for Industrialized and Modular Buildings

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

Required entrance to building	Where street level retail uses have sidewalk frontage in addition to any other access that may be provided to the building
Entrance/exit driveways	Shall be paved with asphalt, concrete, or pavers

Sec. 4.03.32. *Private membership recreational facilities (not in a subdivision)*

A. It is the intent of this section to provide citizens with large residential properties the opportunity to operate types of businesses that are compatible within larger tracts of land. A private membership recreational activity is defined as a facility open only to members and guests of the private organization operating the facility.

B. Private membership recreational facilities are permitted in all residential zoning districts outside a platted subdivision with an approved Conditional Use subject to the standards of the zoning district and the supplemental standards of this section. The permitted uses are outdoor activities that include swimming, court sports, archery and similar outdoor uses. Prohibited uses include commercial recreation activities wherein the principal use is an indoor activity consisting of exercise and/or training rooms, equipment, etc. The regulations provided are to protect, maintain and preserve the agricultural and/or rural character of the area by not creating a nuisance in exceeding traffic, smoke, noise, dust or be a fire hazard.

C. The site design standards set forth in Table 4.03.32. (C) are required.

Table 4.03.32. (C). Standards for Private Membership Recreational Facilities.

Development Feature	Standard
Minimum site area	10 acres (outside of a subdivision)
Minimum lot width	400 feet
Minimum setback from any residential zoning district for any buildings or structures	100 feet

Maximum accessory building height	25 feet
Access requirements	Paved collector road
Buffers (sides and rear)	20 feet
Hours of operation	7:00 a.m. to 8:00 p.m.
Parking	Aisles may be paved Spaces may be paved, grass, dirt, or gravel

D. The City of Stockbridge may require additional restrictions as conditions of approval, such as, but not limited to, more restrictive hours of operation, number of classes per day and/or students per session.

Sec. 4.04.00. Reserved.

CHAPTER 7. STANDARDS FOR ACCESSORY AND TEMPORARY USES

Sec. 7.00.00. Generally

Sec. 7.01.00. Home occupations

Sec. 7.02.00. Accessory structures

Sec. 7.03.00. Temporary structures and uses

Sec. 7.04.00. Reserved

Sec. 7.05.00. Reserved

Sec. 7.00.00. Generally

The provisions of Chapter 7 apply to accessory uses, accessory structures and temporary uses. Home occupations are considered accessory uses to residential development. Standards for home occupations are set forth in Sec. 7.01.00. Standards pertaining to accessory structures are set forth in Sec. 7.02.00. Standards for temporary structures and uses are set forth in Sec. 7.03.00.

Sec. 7.01.00. Home occupations

Sec. 7.01.01. *Permitted home occupations requirements*

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

1. Only the residents of the dwelling may be engaged in the home occupation.

2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.

3. No display of products shall be visible from the street except agricultural products grown on the premises in RA (residential agricultural) zoning district. Only products produced on the premises may be sold on the premises.

4. No signs shall be allowed for identifying the premises as a home occupation, provided, however, that nothing in this section shall be construed as limiting the right to install or maintain a sign in accordance with other provisions of the city code.

5. Use of a dwelling for a home occupation shall not exceed twenty-five (25) percent of one (1) floor.

6. No interior or exterior alterations inconsistent with the residential use of the building shall be permitted.

7. The home occupation shall not constitute a nuisance.

8. No outside storage of materials to be used in connection with a home occupation is permitted. To the extent large or hazardous materials are used by a home occupation, the applicant shall be required to store such materials at a site other than the home occupation, consistent with applicable zoning and land use laws.

9. No accessory buildings shall be used in connection with the home occupation, unless it is approved as a conditional use and then in a residential district only. The use of an accessory building shall comply with the following conditions:

    a. The accessory building shall maintain a residential appearance.

    b. No business shall be conducted between the hours of 7:30 p.m. and 7:30 a.m.

    c. No automotive painting, body work, salvage, major automotive or heavy equipment repairs are to be conducted.

    d. No machinery or equipment shall be used which generates noise detectable outside the accessory structure.

10. Applicants shall not be allowed to have customers visit the home occupation, except as follows:

    a. Conduct of a home occupation involving rendering of services, such as those listed below, will be allowed subject to the following limitation(s):

        i. Instruction in music and similar subjects shall be limited to two (2) students at a time.

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

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

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

11. Only passenger vehicles, pickup trucks, vans, and trailers 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 not in use, and no vehicle or trailer shall feature commercial advertising or marks identifying a commercial use of said vehicle.

12. Beauty shops, barber shops, manicurists and similar services conducted as home occupations shall be limited to two (2) chairs (stations) and one (1) shampoo chair (station).

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

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

15. All home occupations shall obtain an occupation 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 council for action.

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

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

B. Family day care centers prohibited.

Family day care centers as defined in this ZONING CODE shall hereafter be strictly prohibited within the city of Stockbridge.

Sec. 7.02.00. Accessory structures

Sec. 7.02.01. *Generally*

A. The intent of this section is to regulate the installation, configuration and use of accessory structures. Regulation is necessary in order to ensure that accessory structures are compatible with the surrounding neighborhood and are consistent with the character and intent of the zoning district in which the accessory structures are located.

B. Permitted accessory uses and structures are identified in Table 2.14.01.

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

D. Standards for specific accessory structures are set forth in sections 7.02.02 through 7.02.07. All accessory structures shall comply with the standards set forth below:

1. Accessory structures shall be located within the side or rear yard, unless otherwise provided in sections 7.02.02 through 7.02.07 and except that buildings in RA zoning districts where the lots are a minimum of three acres and are not part of a platted subdivision may be located in the front yard;

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

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

4. Accessory structures, other than fences located in compliance with the requirements of Sec. 7.02.04, shall not be located within any required buffer or landscaping area, parking lot, protected resource area or stormwater management area;

5. Accessory structures located in any residential zoning district shall not be used for any type of commercial operation, except as provided in Sec. 7.01.01;

6. Accessory structures shall not be used as a dwelling unit, except as provided in Sec. 7.02.02 which sets forth standards for accessory dwellings;

7. Accessory structures shall comply with the dimensional standards set forth in Table 7.02.01 (D).

Table 7.02.01 (D). Dimensional Standards for Accessory Structures

Design Feature	Standard
Setbacks	
From side and rear property lines	10 feet
From corner lots	See Sec. 4.01.02.D
From recorded easements for drainage, sanitary sewer and other utilities	Prohibited within easements
Maximum height	
▪ Agricultural support structures, barns, and silos	None
▪ Within platted subdivisions in RA	25 feet
▪ Airplane hangars	35 feet
▪ All other RA developments	35 feet
▪ All other districts	25 feet
Separation from principal building	10 feet
Maximum floor area	
On parcels, greater than one acre and located in the RA zoning district outside of a subdivision	No limitation
In RA subdivisions	50% of heated space
All other zoning districts	50% of the heated floor space of the primary dwelling

Sec. 7.02.02. *Accessory dwellings (guest houses, caretaker houses)*

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

B. Accessory dwellings shall not be used as rental property.

C. Accessory dwellings are permitted within a principal dwelling or as a freestanding dwelling in an RA, R-1, R-2, R-3, and RS zoning district. Accessory dwellings are permitted as freestanding dwellings within the M-1 and M-2 zoning districts.

D. Accessory dwellings contained within a principal dwelling in the RA, R-1, R-2, R-3, and RS zoning districts shall comply with the following standards:

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

E. Freestanding accessory dwellings in the RA, R-1, R-2 and R-3 zoning districts shall comply with the following standards:

1. No more than one freestanding accessory dwelling shall be established on a residential lot.
2. An accessory dwelling may be located on the second floor over a detached garage or may be a separate structure.
3. Accessory dwellings shall be located within the side or rear yard, except in the RA zoning districts where the lots are a minimum of three acres and are not part of a platted subdivision an accessory dwelling may be located in the front yard.
4. Accessory structures shall comply with minimum setbacks set forth in Sec. 4.01.02.D.
5. The residential lot shall comply with the minimum lot area standards set forth in Tables 2.03.01, 2.03.02, 2.03.03, 2.03.04(F) and 2.03.07(E) except that in no case shall an accessory dwelling be located on a lot served by county sewer having less than 18,000 square feet of lot area; lots utilizing an on-site sewage management system must be a minimum of thirty thousand (30,000) square feet.
6. One additional parking space shall be provided to serve the accessory dwelling.

F. Freestanding accessory dwellings in the M-1 and M-2 zoning districts shall comply with the following standards:

1. No more than one accessory dwelling shall be established on any single development site;
2. Accessory dwellings shall be used by a caretaker or security person for the industrial development; and
3. Accessory dwellings shall not exceed a floor area of 1,500 square feet.

Sec. 7.02.03. *Fall-out shelters*

A. Fall-out shelters are permitted as an accessory use in any zoning district.

B. Shelters shall be maintained so as not to become a hazard or blight to the community.

C. One fall-out shelter shall be permitted per lot.

D. A fall-out shelter shall comply with the setback requirements pertaining to the zoning district.

E. A joint shelter may be built to serve two adjacent lots provided an administrative waiver is granted (see Sec. 11.03.00. C).

Sec. 7.02.04. *Fences and walls*

A. Applicability. This section shall apply only to any development, except residential unless the residential development requires final plat approval, even if the final plat has not been approved as of the effective date of the ordinance codified in this section.

B. Definitions. For purposes of this section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise.

"City" means the city of Stockbridge, Georgia.

"Development" means any land change that includes the construction of buildings or other structures made suitable for commercial, industrial, institutional or residential purposes, except residential uses for which a final plat has been approved prior to the effective date of the ordinance codified in this section.

"Fence" means any structure, including walls, constructed or erected to provide a barrier, either physical or visual, for the purpose of protecting property, providing for security and privacy, and properly containing activities on the property.

C. General Standards.

1. No privately owned fence shall be installed within any public street right-of-way or within any city owned area.
2. No fence shall be installed so that, in the opinion of the city manager, it obstructs vision at any street intersection, or in any way creates a hazard to traffic.
3. No fence shall be installed so that, in the opinion of the fire chief, it prevents or unduly restricts access to property for emergency purposes.
4. If a fence is designed so that its structural supports are primarily on one side, that side must always be toward the interior of the property.
5. If a fence is required by any governmental authority to provide for the safety and security of the residents of the city, that fence shall not be removed or otherwise left in an unsafe condition for any reason without the approval of the city manager, and without proper precautions being taken to provide for continuous protection.
6. It shall be the responsibility of the owner of the property on which a fence is located to maintain that fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.
7. Any fence damaged by accident or an act of God shall be properly repaired within ninety (90) days of occurrence. Fencing required for public safety purposes shall be repaired immediately.

D. Construction Standards.

1. All fences shall be constructed of brick, cedar, cypress, wrought iron, vinyl or chain-link. In the event the fence is constructed of chain-link, all exposed metal parts must be vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
2. No fence or portion of a fence shall exceed eight feet (8') in height; however, if a property owner wishes to install a tennis court, pool or some other similar special-purpose facility, a fence not to exceed twelve feet (12') in height may be erected.
3. No fence installed in a residential front yard shall be constructed to a height in excess of four feet (4') or in a fashion that restricts the view through such fence by more than fifty percent (50%) of the total barrier as viewed from the street.
4. Barbed wire, razor wire, concertina wire and the like shall be prohibited.

E. Temporary Fence. The city manager may permit the installation of a temporary fence of material 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 feet (6') in height if located within any setback area.
2. No signs shall be attached to any temporary fence.

F. Enforcement.

1. The City is responsible for the enforcement of this section.
2. If a suspected violation is reported, it will be investigated by the code enforcement officer.
3. If it is determined that a violation has occurred, the city shall notify the property owner of the violation as well as the steps that should be taken to correct the violation.
4. If the property owner does not agree to take immediate action to correct the violation, the city shall take any action as provided by law, including the issuance of a citation, to promptly and properly correct the violation.
5. A property owner may request a variance as provided in Sec. 11.02.00.
6. If a fence legally exists at the time of the enactment of the ordinance codified in this chapter, it shall continue to be allowed to exist as a nonconforming use, but must still be properly maintained.
7. If a nonconforming fence is substantially damaged or is allowed to fall into a state of disrepair, it shall be required to either be removed or brought into conformance with this section.
8. No nonconforming fence shall be extended in any way except as permitted by this chapter.

G. Penalties.

1. A violation of this article shall constitute a misdemeanor punishable by a fine of up to one thousand dollars ($1,000.00) and/or a sentence of up to thirty (30) days incarceration per day per occurrence. Nothing in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement shall also be required.
2. Upon notice from the city manager, work on any development that is being done contrary to the provisions of this section shall immediately cease. The stop-work notice shall be in writing and shall go to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, the development director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this section, the city manager may revoke any permit pertaining to the development activity for which the permit has been issued and may refuse to issue any further permit until, at the discretion of the city manager, the work on the development is brought into compliance with the provisions of this section.

Sec. 7.02.05. *Outside storage*

A. Outside storage of machinery and equipment, service areas for vehicles in need of major service or repair, materials for construction or distribution is only permitted in the C-3, M-1 and M-2 zoning districts.

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

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

D. Outside storage shall be fully concealed with a solid fence, in addition to any buffer requirements set forth in Sec. 5.02.00.

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

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

Sec. 7.02.06. *Satellite dish antennas*

A. Residential satellite dish antennas shall be permitted as an accessory use only in rear and side yards unless it can be documented that reception will be impaired by such a location.

Sec. 7.02.07. *Swimming pools and pool enclosures*

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

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

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

2. A pool shall be enclosed by a security fence of not less than four feet in height from ground level. Security fence shall not be required for above ground pools that are greater than four feet in height, provided the entrance to such pools shall be restricted with a gate. A gate shall be installed at all entrances to any deck structure attached to such pool and/or at all ladder structures accessing such pool.

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

4. The required security fence shall be installed prior to occupancy or any use of the swimming pool.
5. No ladders shall be affixed to a pool for purposes of entry or exit while self-closing positive latch entrance gates are open.
6. All security fences shall be installed with a solid and permanent foundation, which shall include fastening such materials a minimum of one foot into the ground.
7. A security fence may include decorative materials, such as brick, wrought iron, stone, wood or masonry.

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

1. Public pools, including, but not limited to, those built and operated by a public agency, or as part of a multiple family residential development, a subdivision association, a two-family residential development, a condominium association or a private club shall be enclosed by a security fence of not less than five feet in height.
2. Security fences shall be transparent and shall not include privacy fences or fences that obstruct the view of the pool from the outside.
3. Security fencing and gates shall comply with the standards in subsection 7.02.07.B., above.
4. Swimming pools shall comply with the standard setback requirements of the zoning district in which the property is located.

Sec. 7.02.08. *Employee support facilities in the OI, C-1, C-2, C-3, M-1, and M-2 zoning districts*

A. The following facilities may be allowed to serve employees of the principal establishment: child day care facilities; cafeterias, restaurants, coffee shops, delis or dining rooms; newsstands; fitness centers or similar recreation facilities; and banks.

B. The facility shall be an integral part of a permitted principal use and shall be located, oriented and designed to serve the employees of the principal use.

C. Employee support facilities may be located within the principal building on the site, and shall meet the following standards:

1. Any individual facility listed in paragraph A., above shall be limited to 10 percent of the total floor area of the principal building(s) on the site.
2. The cumulative total floor area for all employee support facilities shall not exceed 25 percent of the total floor area of the principal building(s) on the site.

D. Employee support facilities may be located in an accessory structure, and shall meet the following standards:

1. The accessory structure shall meet the standards of subsections 7.02.01.D.1 through 4.

2. Employee support facilities may be combined within one accessory building. No more than two accessory buildings shall be permitted for purposes of locating employee support facilities.

3. Accessory buildings intended to contain employee support facilities may share the parking lot serving the principal building, provided that the accessory building is no more than 660 feet from the principal building.

E. Employee support facilities shall not indicate availability to the public through signs, advertising or other methods to attract the public.

Sec. 7.03.00. Temporary structures and uses

This section provides for temporary structures and uses during construction and special events.

Sec. 7.03.01. *Temporary structures and uses during construction*

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

A. A building permit shall be required.

B. Timeframe to utilize temporary structures.

1. Temporary structures related to a subdivision development shall be removed when 80 percent of all lots are occupied by completed homes or within four (4) years of issuance of the permit, whichever occurs first.

2. The development director may issue a one-time, one-year extension of completion time for cause beyond the original completion period in accordance with section 7.03.01.B.1 upon written request by the owner including the reason for the request and an updated account of completed houses within the subdivision. Approval will be based upon, but not limited to, current maintenance and aesthetics of the temporary structure and property, and verification that all required erosion control measures are in place. Applicants shall apply for the one-time extension within 30 business days of the expiration date of the temporary structure permit. Granted or denied extensions of the compliance/completion period shall be in writing and

signed by the building official within 10 business days. All extension approvals will be subject to a fifty-dollar ($50.00) renewal fee as established from time to time. Permission for a greater extension of time beyond the one-year period may only be granted by the Mayor and Council in regular public session. An application to appear before the Mayor and Council shall be on forms provided by the development director and shall be accompanied by a fee as established from time to time.

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

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

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

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

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

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

Sec. 7.03.02. Reserved

Sec. 7.04.00. Reserved

Sec. 7.05.00. Reserved

CHAPTER 8. INFRASTRUCTURE IMPROVEMENTS

Sec. 8.00.00. Generally

Sec. 8.01.00. Reserved

Sec. 8.02.00. Off-street parking and loading requirements

Sec. 8.03.00. Reserved

Sec. 8.04.00. Standards for stormwater management

Sec. 8.00.00. Generally

The purpose of this chapter is to establish standards and requirements for certain infrastructure.

Sec. 8.01.00. Reserved

Sec. 8.02.00. Off-street parking and loading requirements

Sec. 8.02.01. *Purpose and intent*

The intent of section 8.02.00 to ensure the appropriate location and quantity of off-street parking and loading and to ensure that all developments provide adequate and safe storage and movement of vehicles consistent with generally accepted site design principles.

Sec. 8.02.02. *Applicability*

A. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a development plan showing the required space reserved for off-street parking and loading. Occupancy shall not be allowed unless the required off-street parking and loading facilities have been provided in accordance with those shown on the approved plan.

B. Each use of land and each building or structure hereafter constructed or established, and each addition to a structure shall provide off-street parking and loading according to the standards set forth herein.

C. When an addition is made to a building containing less than the required parking or loading requirements, off-street parking shall be provided for the entire building, based upon the standards in this section.

D. No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of an existing parking lot or loading space, unless such building and its addition conform with the regulations for parking and loading contained herein.

Sec. 8.02.03. *Maintenance*

All off-street parking and loading areas shall be well maintained. Parking lots and loading areas shall be free of potholes, debris, weeds, broken curbs, and broken wheel stops.

Sec. 8.02.04. *Calculation of required parking spaces and loading spaces*

A. Table 8.02.05 (D) Parking and Loading Space Standards specifies the required minimum number of off-street parking spaces for each listed use. Where the calculation of the required number of spaces results in a fraction, the number shall be rounded up to the next whole number.

B. Where the unit of measure for determining the number of parking spaces is the number of seats in a facility, the number of seats shall be the maximum occupancy allowed pursuant to building and construction codes.

C. When multiple uses occupy a building, or a mixed use development is proposed in separate buildings under unified control, the parking and loading requirement shall be met by each use, unless shared parking is approved according to the standards in section 8.02.08.

Sec. 8.02.05. *Parking and loading space standards*

Table 8.02.05 (D) presents standards for parking and loading spaces. Where a use is not listed in Table 8.02.05 (D), the development director shall determine the appropriate parking and loading standard. The determination shall be based on the standards for similar uses.

Table 8.02.05 (D) Parking and Loading Space Standards

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows (s.f. means square feet of gross floor area)	Required Number of Loading Spaces	Per Square Feet of Gross Floor Area
Residential Activities, Activity Code 1000				
Residential	2	Dwelling unit	None	NA
Institutional living	1	Bedroom	None	NA
Transient living	1 plus 1	Sleeping room Employee on the largest shift	1	NA
Shopping, Business, or Trade Activities, Activity Code 2000				
General retail and shopping, up to 250,000 s.f. not otherwise specified	1	150 s.f.	1 plus 1	40,000 Each additional 20,000
Grocery and other food stores	1	100 s.f. customer area	1 plus 1	10,000 Each additional 20,000
Consumer and durable goods sales establishments	1	400 s.f.	1 plus 1	40,000 Each additional 20,000
Heavy consumer goods sales establishments	1	500 s.f.	1 plus 1	40,000 Each additional 20,000
Shopping center, 250,000 s.f. to 400,000 s.f. gross floor area	1	250 s.f.	1 plus 1	40,000 Each additional

				20,000
Shopping center, over 400,000 s.f. gross floor area	1	300 s.f.	1 plus 1	40,000 Each additional 20,000
Gasoline station	1	2 pumps	None	NA
Vehicles sales and/or service	1 plus 1	400 s.f. sales or service building Employee on the largest shift	1	NA
Personal services	2	Employee	None	NA
Restaurants, high turnover (fast food), with or without drive-up windows	1	75 s.f. (excluding kitchen and storage)	1	NA
	plus 1	Employee on the largest shift		
Restaurants, other than high turnover above	1	150 s.f. (excluding kitchen and storage)	1	NA
	plus 1	Employee on the largest shift		
Bars, taverns, or drinking establishments	1 plus 1	2 seats Employee on the largest shift	1	NA
Offices, professional and general, excluding medical	1	300 s.f.	None	NA
Government and public service buildings	1	100 s.f.	None	NA

Industrial, Manufacturing, and Related Activities, Activity Code 3000				
Manufacturing, assembly, and processing plants	1 plus 1	2,500 s.f. Employee on the largest shift	1 plus 1	40,000 Each additional 60,000
Warehouse and storage service	4 plus 1	5,000 s.f. Each additional 5,000 s.f.	1 plus 1	40,000 Each additional 60,000
Salvage yards, junkyards, recycling centers, landfills	1	Employee on the largest shift	1	NA
Social, Institutional, and Infrastructure-Related Activities, Activity Code 4000				
Schools Pre-K—8th grade	1 plus 1	Employee 3 seats in auditorium	None	NA
High school	plus 1	6 students		
Libraries, museums and similar uses	1	400 s.f. of public space	1 plus 1	10,000 Each additional 30,000
Emergency response and public safety facilities	1 plus 1	200 s.f. public area Employee on the largest shift	None	NA
Medical and dental offices, clinics, and similar uses, without overnight facilities	5	Physician or dentist	None	NA
Hospitals, nursing homes, and medical uses with overnight facilities	1 plus 1	2 beds Employee on the largest shift	1 plus 1	10,000 Each additional 20,000
Funeral homes and mortuaries	1	3 seats in largest chapel	1	Each hearse or ambulance

Travel Related Activities, Activity Code 5000				
Ground passenger terminals and stations	1	3 seats in waiting area	None	NA
	plus 1	Employee on the largest shift		
Postal, courier, and messenger services	1 plus 1	100 s.f. public area Employee on the largest shift	1	NA
Truck and freight services	1	500 s.f.	1 plus 1	40,000 Each additional 60,000
Mass Assembly of People, Activity Code 6000				
Mass assembly, with fixed seats	1	3 fixed seats	1 plus 1	40,000 Each additional 20,000
Mass assembly, without fixed seats	1	50 s.f. of seating area in largest assembly room	1 plus 1	40,000 Each additional 20,000
Mass assembly with bench seating	1	24 linear inches of bench	1 plus 1	40,000 Each additional 20,000
Fairs, amphitheaters, outdoor assembly	1	50 s.f. of largest assembly area	2	NA
Leisure Activities, Activity Code 7000				
Recreation or park facilities	8	acre	None	NA

Sec. 8.02.06. *Parking spaces for disabled individuals*

A. All uses shall provide parking spaces designated for access by disabled individuals.

B. Table 8.02.06 (B) presents specifications for parking for disabled individuals.

Table 8.02.06 (B). Required Parking for Disabled Individuals

Total Parking Spaces Required	Accessible Spaces Required
Up to 25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501+	2% of total required spaces

C. Accessible spaces shall be marked on the pavement and by appropriate signage, both markings to use the universally accepted "Handicapped" symbol. Such spaces shall be located in closest proximity to major building entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.

D. Ramps shall meet the design standards set forth in the Georgia Accessibility Code Chapter 120-3-20 of the Rules and Regulations of the Georgia Safety Fire Commissioner.

Sec. 8.02.07. *Design requirements for parking lots, parking spaces, and loading areas*

Off-street parking lots, individual parking spaces, loading areas, and loading stalls shall be designed to conform to the following criteria and standards:

A. All multiple-family, commercial, and industrial uses shall provide a paved, dust-free surface. The use of approved permeable or pervious pavement materials is encouraged, provided such paving is approved for use by the development director.

B. All off-street loading stalls shall have access from a public street.

C. Loading stalls are not to hinder movement of pedestrians or vehicles over a street, sidewalk, or alley, or to and from an off-street parking area.

D. Off-street parking and loading areas that are to be used at night shall include proper illumination for the safety of pedestrians, vehicles, and for security purposes. Lighting shall be located and shielded to avoid direct illumination of adjacent properties.

E. Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained to ensure their maximum efficiency.

F. All off-street parking, loading, and service areas shall be drained to prevent damage to abutting properties and/or public streets and shall be constructed of materials that shall assure a surface resistant to erosion.

G. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

H. The design standards in Table 8.02.07 (H) shall be used to achieve compliance with parking provisions of this chapter.

Table 8.02.07 (H). Parking Space Dimensions

Type of Parking Space	Required Dimensions of Parking Spaces
Full-size automobile space: 45° angle	9' wide; 25' deep
Full-size automobile space: 60° angle	9' wide; 22' deep
Full-size automobile space: 90° angle	8'6" wide; 20' deep
Full-size automobile space: Parallel to walk	8'6" wide; 20' deep
Compact automobile space: 90° angle	8' wide; 19' deep
Handicapped spaces	Refer to the Georgia Accessibility Code Chapter 120-3-20 of The Rules and Regulations of The Georgia Safety Fire Commissioner

I. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way as indicated in Table 8.02.07 (I).

Table 8.02.07 (I). Parking Lot Design

Required Width of Interior Driveways and Aisles (feet)	Parking Design (degree of angle)
24	90°
18	60°
12	Parallel
12	One-way traffic: Not adjacent to parking

24	Two-way traffic: Not adjacent to parking

J. The specifications in Table 8.02.07 (J) are the design requirements for off-street loading stalls.

Table 8.02.07 (J). Off-Street Loading Stall Design

Wholesale and Industrial Uses	
Width	10 feet
Length	50 feet
Overhead clearance	14 feet
All Other Uses	
Width	10 feet
Length	35 feet
Overhead clearance	14 feet

Sec. 8.02.08. *Shared parking arrangements*

A. Adjacent uses, multiple uses within a unified development, or establishments with multiple tenants of different uses may provide shared parking facilities. Such shared parking facilities may have a reduced quantity of parking as compared to the sum of parking spaces required for each individual use.

B. Where shared parking facilities are proposed, the following standards shall be met:

1. There shall be a paved driveway connection between the adjacent developments such that automobiles may move from one (1) parcel or use to the adjacent parcel or use without exiting to the public street.

2. There shall be a designated pedestrian connection from all uses to the shared parking facility.
3. The owners of developments involved shall execute a cross-access and cross-parking agreement, provided in a recordable instrument, acceptable to the City of Stockbridge. The agreement shall guarantee the joint use of a specified number of parking spaces.
4. The number of spaces in the shared parking facility shall be determined by one (1) of the methods in subsection 8.02.08.C. below.

C. The calculation of required spaces in a shared parking facility shall use one (1) of the two (2) methods described below:

1. A parking study may be conducted to provide evidence of the combined parking requirements of the proposed uses.
    a. The study shall be prepared by a professional engineer with documented traffic expertise.
    b. The study shall include estimates of parking requirements based on professionally accepted data or studies, such as from the Institute of Traffic Engineers, Urban Land Institute, or other sources acceptable to the City of Stockbridge.
    c. Parking requirements shall be based on uses that are the same or comparable to the proposed uses. Comparability shall be determined by density, scale, bulk, area, type of activity, and location in relationship to other uses and the transportation system.
    d. Parking requirements shall be based upon peak hours of need for each use proposed to share parking facilities. The hours of maximum, or peak, parking demand of the respective developments shall not overlap.
    e. The study shall document the source(s) of data used to develop recommendations.
    f. The study shall document the extent to which transportation system management and alternative forms of transportation (pedestrian and bicycle) reduce the parking requirement.
    g. The study shall document the availability of off-site parking to meet a portion of the parking requirements. Off-site parking shall not be located more than one hundred fifty (150) feet from the uses that require parking. The study shall be accompanied by documentation to demonstrate the continued availability of the off-site parking, such as easements or other recordable instruments.
2. Shared parking may also be determined by the following method:
    a. Calculate the parking requirement for each proposed use, as set forth in Table 8.02.05 (D).

b. Multiply each amount by the corresponding percentages from Table 8.02.08(C) for each of the five (5) time periods.

c. Total the amount of parking for each time period.

d. The highest parking requirement shall be the minimum number of spaces required for the shared use facilities.

Table 8.02.08(C). Shared Parking Demand Calculations

General Land Use	Week Days		Weekend		
	Daytime 9 a.m.—4 p.m.	Evening 6 p.m.—12 M	Daytime 9 a.m.—4 p.m.	Evening 6 p.m.—12 M	Nighttime 12 M—6 a.m.
Office or industrial	100%	10%	10%	5%	5%
Commercial	60%	80%	100%	60%	5%
Hotel/motel	60%	100%	60%	100%	60%
Restaurant	70%	100%	75%	100%	10%
Entertainment	50%	100%	80%	100%	0%

Sec. 8.03.00. Reserved

Sec. 8.04.00. Stormwater facilities zoning and plat requirements

Sec. 8.04.01. The property upon which the stormwater facilities are located cannot be included in the description of any lot located in a residential subdivision. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title to the property upon which such facilities are located, and the owner of such property, after the expiration of the maintenance bond, shall be fully liable and responsible for the maintenance of such facilities, while residential facilities may be transferred to a homeowner's association that is validly existing under the laws of the State of Georgia where such entity has the legal ability to assess and collect fees for the maintenance of those facilities. In the event of such a transfer, the homeowner's association shall be responsible for the payment of all costs that are incurred for the maintenance of the facility according to the ordinances of the city.

Sec. 8.04.02. 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.

Sec. 8.04.03. In order to facilitate the maintenance and inspections contemplate by this section, it shall be required that all final plats submitted to the county for review shall include an unencumbered nonexclusive easement from an existing public roadway to any stormwater detention structure or pond. Those easements shall be identified upon the final plat. The access easement shall be a minimum of thirty (30) feet in width, and shall be at least graveled to accommodate the equipment necessary to clean and maintain both the easement and the structure or pond.

CHAPTER 10. BOARDS AND COMMITTEES

Sec. 10.00.00. Generally

Sec. 10.01.00. The City of Stockbridge Zoning Advisory Board

Sec. 10.02.00. Compatibility Standards Review Committee (*Reserved*)

Sec. 10.03.00. Architectural Review Committee (*Reserved*)

Sec. 10.04.00. Historic Preservation Board (*Reserved*)

Sec. 10.00.00. Generally

The boards and committees described in this Chapter 10 are established for the purpose of implementing the provisions of the ZONING CODE. These boards and committees shall have the powers and duties described herein and necessary to achieve this purpose.

Sec. 10.01.00. The City of Stockbridge Zoning Advisory Board

Sec. 10.01.01. *Creation*

The City of Stockbridge Zoning Advisory Board (ZAB) is hereby established, and shall be referred to as the Zoning Advisory Board.

Sec. 10.01.02. *Membership*

A. *Composition*

1. The ZAB shall be composed of five qualified members.
2. Each member shall be appointed by the Mayor and Council.

B. *Term of office*

1. All members shall be appointed for a term of two years. An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

C. *Removal*

Notwithstanding any provision to the contrary, a member may be removed by a majority vote of Mayor and Council.

D. *Qualifications and compensation*

1. In order to be qualified, all members shall complete training for ZAB members and shall receive a certificate of completion from an agency or organization competent to train appointed planning officials within one year of appointment.

2. Each member shall be compensated in a manner prescribed by the Mayor and Council.

Sec. 10.01.03. *Quorum*

A. Three members shall constitute a quorum for the transaction of business. All rules, policies and procedures governing the ZAB shall be hereinafter governed by this requirement.

B. It shall require the affirmative vote of three members of the ZAB to properly carry any motion before the ZAB.

Sec. 10.01.04. *Officers*

A. The ZAB shall elect one of its appointed members as chair. The chair shall serve for one 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 year or until re-elected or a successor is elected.

C. The ZAB shall appoint a secretary, who may be an officer or an employee of the governing authority or a member of the ZAB.

Sec. 10.01.05. *Meetings*

A. The ZAB shall meet once each month at a date and time established by the ZAB. This schedule may be altered due to unforeseen circumstances at the discretion of the ZAB.

B. Additional meetings may be called according to procedures established by the ZAB.

Sec. 10.01.06. *Rules and operating procedures*

A. The ZAB shall follow any by-laws and rules for the transaction of business adopted by the Mayor and Council.

B. The ZAB shall maintain a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

Sec. 10.01.07. *Duties and responsibilities*

A. The ZAB shall have the following powers and duties:

   1. Prepare and recommend for adoption by the City of Stockbridge a zoning ordinance or resolution and zoning map for the city. The zoning ordinance shall be contained within the ZONING CODE.

B. All City staff shall, upon request and within a reasonable time, furnish to the ZAB such available information as the Board may require for performance of its work.

C. Mayor and Council may refer any matter to the ZAB for study, review, and recommendation prior to the Mayor and Council rendering a final decision on the matter.

CHAPTER 11. Nonconformance, Variances, Administrative Waivers, Vested Rights, and Conditional Uses

Sec. 11.00.00. Generally

Sec. 11.01.00. Nonconforming lots, structures and uses

Sec. 11.02.00. Variances

Sec. 11.03.00. Administrative waivers

Sec. 11.04.00. Vested rights

Sec. 11.05.00. Conditional uses

Sec. 11.00.00. Generally

This chapter establishes procedures for obtaining relief from the provisions of this ZONING CODE where hardship would otherwise occur. Sec. 11.01.00 addresses hardships that may impact owners of nonconforming lots, structures or uses in the event immediate compliance with this ZONING CODE were required. Sections 11.02.00 and 11.03.00 address hardships that may occur in a particular situation due to characteristics of the land to be developed based on the site design standards of this ZONING CODE.

Sec. 11.01.00. Nonconforming lots, structures and uses

Sec. 11.01.01. *Generally*

A. Lots, structures or uses that were lawfully established prior to adoption of this ZONING CODE, but which do not comply with the requirements set forth in this ZONING CODE, are considered legal, nonconforming lots, structures or uses.

B. The intent of Sec. 11.01.00 is to allow such nonconformities to continue until they are removed or abandoned. The intent of this section is also to ensure that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for creating lots, or adding structures or uses prohibited in a particular zoning district.

C. Nonconforming uses are hereby declared incompatible with uses permitted in the zoning district in which the nonconforming use is located.

D. Nothing in Sec. 11.01.01 shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures, or structures that contain nonconforming uses, provided the following circumstances exist:

1. Repairs do not exceed ten (10) percent of the current replacement cost of the nonconforming portion of the structure during any period of twelve (12) consecutive months; and

2. The cubic area of the structure is not increased.

E. A structure damaged by any means to an extent more than 50 percent of replacement cost at the time of the occurrence shall be rebuilt only in conformity with this ZONING CODE.

F. Fair market value, where required, shall be determined by reference to current rules and/or regulations pertaining to real estate assessment and the records of the Henry County assessor.

G. A structure damaged by any means to an extent less than 50 percent of the fair market value may be restored and occupied as before the damage, provided the following condition is met:

1. Restoration shall be commenced within six (6) months from the date damages were incurred.

Rebuilding and use of the land or structure not commenced within six (6) months shall thereafter conform to the provisions of this ZONING CODE.

H. A nonconforming structure, or a structure containing a nonconforming use, declared by the development director to be physically unsafe or unlawful due to lack of repairs and maintenance shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Sec. 11.01.02. *Nonconforming lots of record*

A. A single family dwelling and permitted accessory structures may be built on a single lot of record in any zoning district in which single family dwellings are permitted, subject to the following conditions:

1. The lot of record was established on or before the effective date of this ZONING CODE;
2. The lot of record is held in separate ownership from adjacent lots with continuous frontage on the same street;
3. The lot is nonconforming due to failure to meet standards for the zoning district for minimum lot area and/or minimum lot width; and
4. The lot is developed in compliance with standards for front, side, and rear yard setbacks and building height for the zoning district in which it is located.

B. Lots of record with continuous frontage that became nonconforming on the effective date of this ZONING CODE shall meet the following requirements prior to establishment of any use or development:

1. The lots of record consist of two or more lots, combinations of lots, and portions of lots that are in single ownership and have continuous frontage;
2. A lot or a portion of a lot does not meet the standards of the zoning district for lot area and lot width;
3. The combination of lots shall be considered to be an undivided parcel for the purpose of developing according to the site design standards of the zoning district;
4. No portion of the undivided parcel shall be used or sold in a manner that does not comply with minimum lot area and minimum lot width requirements established by this ZONING CODE; and
5. No lot shall be created that does not comply with the lot area and lot width standards of this ZONING CODE.

Sec. 11.01.03. *Nonconforming structures*

A lawfully established structure that becomes nonconforming on the effective date of this ZONING CODE may remain subject to the following conditions:

A. The structure is only nonconforming as concerns the following site design standards:

1. Minimum lot area;
2. Maximum lot coverage or impervious surface ratio;
3. Maximum building height;
4. Minimum front, side and rear yard setbacks; and

5. Other requirements regarding building location on the lot.

B. The structure shall comply with all other standards and requirements of this ZONING CODE.

C. The nonconforming structure shall not be enlarged.

D. The structure or portion thereof may be altered to decrease the degree of nonconformity.

E. A nonconforming structure relocated any distance for any reason shall be brought into conformance with the site design standards of the zoning district to which it is relocated.

Sec. 11.01.04. *Nonconforming uses*

A lawfully established use that becomes nonconforming at the time of adoption of this ZONING CODE may continue subject to the following stipulations:

A. A structure containing a nonconforming use shall not be enlarged, extended, built, rebuilt, relocated or structurally altered except to change to a use permitted in the zoning district in which the structure is located.

B. A nonconforming use shall not be extended to occupy any area outside the existing structure devoted to the use. Any nonconforming use may be extended throughout any portion of a building that was manifestly arranged or designed for such use on the effective date of this ZONING CODE or amendment thereto.

C. A nonconforming use that is replaced by a permitted use on land, in a structure, or structure and land in combination shall not be resumed. A nonconforming use cannot be replaced by another nonconforming use.

D. A nonconforming use of land, a structure or structure and land in combination that is abandoned for more than six (6) consecutive months (except when government action impedes the use of, or access to, the premises) shall not be resumed. The use, structure, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

Sec. 11.01.05. *Termination of detrimental nonconforming structures or uses*

A. Certain uses of land, buildings or structures are found to have an adverse effect on implementing the comprehensive plan. Such uses shall be discontinued following the amortization period set out in subsection 11.01.05.B. below, irrespective of the requirements for nonconforming uses set forth in sections 11.01.00. through 11.01.04., above.

B. The following uses shall be removed or rendered conforming within the specified amortization period. The amortization period shall commence upon the effective date of this ZONING CODE.

1. Fences, walls and vegetation that constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be rendered conforming or removed within 60 calendar days.
2. All site design standards for fencing, screening and buffering of commercial or industrial uses, as set forth in Chapter 4 of this ZONING CODE, shall be met within 60 calendar days.
3. Nonconforming open storage operations, such as truck parking, automobile wrecking, salvage material storage, and similar uses, shall be rendered conforming within 60 calendar days.

Sec. 11.01.06. *Regulation of specific nonconforming structures*

A. *Mobile homes/manufactured homes*

1. All mobile homes located in a mobile home development shall provide documentation of compliance with the National Mobile Home Construction and Safety Act or compliance with specifications presented by the American National Standards Institute. Existing mobile homes within mobile home developments not in compliance with either of these standards shall be deemed nonconforming.
2. An existing, nonconforming mobile home that was lawfully permitted prior to the effective date of this ZONING CODE may be replaced with another mobile home of the same size meeting the requirement set forth in paragraph A.1., above and the requirements of this Chapter within 60 calendar days of the date of removal of the existing mobile home.

Sec. 11.02.00. Variances

Sec. 11.02.01. *Generally*

A. A variance may be granted where owing to special conditions, a literal enforcement of the provisions of this ZONING CODE will in an individual case result in unnecessary hardship.

B. A variance shall observe the spirit of this ZONING 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 Zoning Advisory Board shall make recommendations to the Mayor and Council which shall have the authority to render a decision on a variance application pursuant to the public notice and hearing requirements set forth in Chapter 12.

E. A variance may not be granted for a use specifically prohibited by this ZONING CODE. A variance is intended to compensate for a shortfall in a dimension of real property that would prevent the property from complying with a site design standard. Variances may only be granted following a review of an application against criteria established in Sec. 11.02.03, below.

Sec. 11.02.02. *Types of variances*

A. A request for a variance shall be limited to the following site design standards:

1. Maximum building height;
2. Minimum lot width;
3. Minimum lot area;
4. Required spacing for driveways;
5. Minimum front, side, or rear yard setbacks;
6. Dimensional standards for parking or loading spaces; or
7. No curb and gutter for subdivisions in the RA zoning district.

Requests other than those stated above will constitute a request to amend that section of this ZONING CODE for which compliance cannot be reasonably achieved through procedures set forth by subsection 12.02.11.

Sec. 11.02.03. *Criteria to be considered for deciding variances*

A variance may be granted only upon a finding by the Mayor and Council that all the following conditions are met:

A. Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due its size, shape, or topography that are not found on other properties in the same zoning district;

B. A literal interpretation of the provisions of this ZONING CODE would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

C. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

D. The variance will be consistent with the purposes and intent of this ZONING CODE, will be compatible with uses on neighboring properties, and will serve the public welfare;

E. The extraordinary circumstances are not the result of actions of the applicant;

F. The variance is the minimum relief that will allow the legal use of the land, building or structure; and

G. The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

Sec. 11.03.00. Administrative waivers

The development director shall have the power to approve a waiver from site design and development standards of this ZONING CODE where the intent of this ZONING CODE can be achieved, equal performance obtained, and the administrative waiver would not override conditions of zoning assigned by the elected body. The authority to grant a waiver shall be limited to the following approvals:

A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:

1. The reduction is necessary due to the existence of any one of the following factors:

a. Geologic conditions,

b. Topography, or

c. Inability of the applicant to adhere to tree protection standards set forth in Sec. 5.03.00.

2. The reduction is limited to a maximum deviation of 10 percent from the site design standard.

B. A reduction in the parking requirements provided the following standards are met:

1. The reduction is necessary due to the existence of any one of the following factors:

a. Geologic conditions,

b. Topography, or

c. Inability of the applicant to adhere to tree protection standards set forth in Sec. 5.03.00.

2. The reduction is limited to five spaces or five percent of the total parking requirement, whichever is greater.

3. The reduction does not limit the availability or location of parking required for disabled individuals.

C. Side yard requirements may be waived by the development director, where a joint fall-out shelter is proposed, provided that permanent easements are recorded to ensure access to both parties (See Sec. 7.02.03. D. Fall-out shelters).

D. Reserved.

E. A waiver from Sec. 8.02.07 requiring a dust free parking surface may be issued by the development director provided the parking area consists of a pervious or semi-pervious materials meeting the following standards:

1. There shall be a paved primary lot that serves the parking needs of customers and employees on a regular basis. Unpaved parking spaces may not count toward the parking requirements outlined in Sec. 8.02.00 with the exception of spaces dedicated to employees of the business.
2. Materials used for unpaved parking shall be approved by the Henry County Fire Department prior to installation.
3. Unpaved parking areas shall be enclosed by a fence that restricts public access. All gates and locks shall be approved by the Henry County Fire Department prior to installation.
4. The unpaved parking area shall meet the design standards for parking lots, with the exception of paving requirements, and including size of spaces, drive aisles, maneuvering areas and stormwater management.
5. A paved driveway leading to the unpaved parking area that is a minimum of twenty-four (24) feet in length shall be provided.
6. Unpaved parking areas are subject to the landscaping provisions of Sec. 5.01.00, including the provision that all landscaping be permanently maintained. Surfaces must remain grass and weed free.

Sec. 11.04.00. Vested rights

The purpose of Sec. 11.04.00 is to provide a method to recognize vested rights and works-in-progress that were authorized prior to the effective date of this ZONING CODE.

Sec. 11.04.01. *Applicability*

A. Any property zoned PD (Planned Development) prior to adoption of this ZONING CODE shall be subject to all development agreements and approved master plans until such time the property is rezoned.

B. Any property that has been rezoned prior to adoption of this ZONING CODE shall meet all prior zoning conditions imposed regardless of any zoning change caused by this ZONING CODE until such time the property is rezoned.

C. Applicant shall be vested in any permit approved prior to adoption of this ZONING CODE until the permit expires.

D. All flag lots platted and recorded prior to adoption of this ZONING CODE shall be considered legal, nonconforming lots of record.

Sec. 11.05.00. Conditional uses

Sec. 11.05.01. *Generally*

Several of the zoning districts established by this ZONING CODE allow certain uses subject to an approval of a conditional use. The evaluation of an application for a conditional use and determination of compliance shall be the responsibility of the zoning advisory board. See Chapter 4 for uses subject to conditional use approval.

Sec. 11.05.02. *Requirements for conditional use*

The Zoning Advisory Board shall consider all of the following factors prior to making a recommendation to Mayor and Council which shall render a decision on a conditional use:

A. The proposed use shall not cause traffic congestion or conditions that will adversely affect nearby properties.

B. The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.

C. Adequate public facilities are available to serve the proposed use.

D. The applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

E. The conditional use with specific limitations and design features as may have been required will further the aims of the comprehensive plan and will not be unduly detrimental to nearby properties.

CHAPTER 12. ADMINISTRATIVE PROCEDURES

Sec. 12.00.00. Generally

Sec. 12.01.00. Application requirements

Sec. 12.02.00. Procedural requirements

Sec. 12.03.00. Notice requirements

Sec. 12.04.00. Appeal of zoning advisory board or administrative actions

Sec. 12.05.00. Appeals of Mayor and Council actions

Sec. 12.06.00. Enforcement

Sec. 12.07.00. Penalties

Sec. 12.00.00. Generally

Sec. 12.00.01. *Purpose*

This Zoning Code sets forth procedures for receiving, reviewing, and rendering decisions on applications for subdivisions, multifamily and nonresidential development, mixed use development, planned developments, rezoning, and all permits. This ZONING CODE also sets forth the requirements for appealing decisions, and for enforcement. The procedures and requirements set forth in this ZONING CODE shall be followed in seeking approval of any development.

Sec. 12.00.02. *Approvals required*

A. No person shall conduct any development activity within the jurisdictional boundaries of the City of Stockbridge without first obtaining approval of a subdivision plat, development plan, construction plans, and permits to perform such activities.

B. Permits shall only be issued for development on platted and recorded lots.

   1. No permits shall be issued on lots described only by metes and bounds.

   2. All development activities or site work conducted after approval of a subdivision plat or development plan shall conform to the specifications of the approved plans.

C. Major changes to an approved plan, as defined below, shall require specific approval of an amended plan.

   1. Altering the amount and velocity of stormwater runoff from the site;

2. Increasing the amount of impervious surface within the development;
3. Altering the overall density of development;
4. Substantially increasing the amount of excavation, fill, or removal of vegetation during construction; or
5. Otherwise altering the overall appearance of the development as proposed as determined by the development director.

D. The following situations are exempt from the requirement to obtain an approved development plan prior to the issuance of required permits:

1. Repairs to a facility that is part of a previously approved and permitted development.
2. Accessory structures, provided applicable permits are obtained.

Sec. 12.00.03. *Expiration of approvals*

A. *Amendment of the official zoning map (rezoning).*

1. After an approval has been granted for an amendment to the official zoning map to create or extend any zoning district, the applicant, agent or property owner has eighteen (18) months in which to make substantial progress in developing the property.
2. Substantial progress shall mean the point of construction at which time the first inspection is carried out.
3. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within eighteen (18) months of the granting of an application for rezoning, the Zoning Advisory Board may review the situation and report its findings with recommendations to Mayor and Council. The Council may change the zoning category to its prior or other appropriate zoning district classification at a public hearing.

B. *Development permits.*

1. If construction described in a development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire. However, the permit may be extended for an additional twelve (12) months, upon payment of the permit fee for such extension.
2. If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve (12) months after the date the work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as determined by the development director.

Sec. 12.00.04. *Fees required*

All fee amounts are determined and adjusted periodically by the Mayor and Council. All applications shall be accompanied by payment of application fees, as set forth in each department's fee schedule.

Sec. 12.00.05. *Procedures for conducting public hearings*

The following rules of procedure in compliance with O.C.G.A. § 36-66-5 shall govern public hearings before the Zoning Advisory Board and the Mayor and Council:

A. Each person speaking before Mayor and Council shall identify him or herself by name, address, and state whether the applicant is owner or agent for the owner.

B. Each applicant or other interested party who submits documents at the hearing shall have each document numbered and shall identify each document. Each document submitted shall be made a part of the official record of the hearing.

C. Time allotted for testimony:

1. Each applicant shall have ten (10) minutes to present data, evidence, and opinions pertinent to the application. A portion of this time may be saved for rebuttal.
2. Persons in opposition to rezoning of property or amendment to the zoning ordinance shall have a total of ten (10) minutes to address the board. Each person shall provide the development director with his or her name and address.
3. Additional time may be granted equally to the applicant and opponents at the discretion of the Mayor or the Chair of the ZAB.

D. At the conclusion of a hearing by the Zoning Advisory Board, the board chair shall announce its decision or recommendation, as required, and instruct the development director to notify the applicant of such decision or recommendation in writing. The notification shall be made a part of the record on the date written notification is given to the applicant.

E. At the conclusion of a hearing by Mayor and Council, the Mayor and Council may take the following actions:

1. Approve the application.
2. Approve the application with conditions.
3. Deny the application.
4. Continue or postpone their deliberations for rendering their decision to a date certain.
5. Remand matters to the Zoning Advisory Board for additional review and consideration in a duly advertised public hearing.

Mayor and Council shall announce its decision and instruct the development director to notify the applicant of the decision in writing. The written notification shall immediately be entered on the minutes and made a part of the record on the date such written notification is given to the applicant.

Sec. 12.00.06. *Requirements for developments of regional impact*

A. A proposed development that meets or exceeds the thresholds established by the Georgia Department of Community Affairs (DCA), Atlanta Regional Commission (ARC), and Georgia Regional Transportation Authority (GRTA) for a Development of Regional Impact (DRI) shall be reviewed according to the procedures in Chapter 110-12-3, Rules of the Department.

B. When a development meeting the threshold standards established by the DCA, ARC, and GRTA is proposed, the City shall take no action (including actions by the development director, Zoning Advisory Board, or Mayor and Council) concerning the development until the DRI review process is completed.

C. Upon receipt of a request for action related to a project that meets or exceeds the thresholds established for that development category, the City of Stockbridge may request that the applicant submit additional information about the project using forms available from DCA.

D. Upon a determination that the proposed development is not a DRI, the City may process applications concerning procedures set forth in this ZONING CODE.

E. Upon conclusion of the DRI review, the City may continue with review and decision-making procedures as set forth in this ZONING CODE.

1. The City is encouraged to include the public finding and comments regarding the proposed DRI project in considering actions on the application for project approval.
2. Where the project received a negative public finding and the City approves the project, the City shall notify the DCA, indicating any conditions that have been placed on the project to mitigate the negative finding.
3. The development director shall submit applications for DRI review to the DCA.

Sec. 12.00.07. In the event of any conflict between this Chapter and the adopted Subdivision Ordinance, the adopted Subdivision Ordinance shall prevail.

Sec. 12.01.00. Application requirements

Sec. 12.01.01. *Pre-application conference*

A. The purpose of the pre-application conference is to provide an opportunity for the applicant to consult with City staff for advice and assistance prior to preparation of a preliminary plat, development plan, and zoning application. This will enable the applicant to become familiar with the approval process, required documents, inspections, the comprehensive plan, infrastructure and improvement standards adopted by the City of Stockbridge and development factors that may affect the proposed development.

B. The intent of this ZONING CODE is that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form. Additionally, failure of a participant to identify any applicable requirement or condition shall not preclude the City from requiring an applicant to comply with such requirement or condition.

The applicant shall provide the following information:

1. The City of Stockbridge application for zoning.
2. Proof of ownership.

3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. Applicant campaign disclosure form (for applicant/owner, agent and/or attorney).
5. A property survey conducted no more than five (5) years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within a floodplain as regulated in Sec. 3.01.00, and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia. If the survey is older than five (5) years, the survey must be certified by a surveyor registered in the State of Georgia as to whether changes have or have not been made to the property.
6. A vicinity map indicating the location of the site proposed for development.
7. Proof of payment of fees.
8. Other information as may be required by the development director.

Sec. 12.01.02. *Determination of completeness*

A. All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.
B. The development director shall determine, within five (5) working days of receipt of an application, whether the application is complete.
C. If the development director determines that the application is not complete, the development director shall send notice to the applicant identifying the deficiencies. The applicant shall have thirty (30) calendar days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the thirty-day period, the application shall be deemed withdrawn, and fees shall be forfeited.
D. If the development director determines that the application is complete, the application shall be processed for review and action.

Sec. 12.01.03. *Applications subject to administrative action*

A. The following applications shall be reviewed and decisions rendered by the development director:

1. Development plans and subdivision plats for multifamily residential, manufactured home developments, and all nonresidential development, pursuant to the requirements for base zoning districts, overlay zoning districts, subdivision plats for conventional subdivisions, conservation subdivision developments.
2. Administrative waivers (See Sec. 11.03.00).
3. Development permits (See Sec. 12.02.06).
4. Applications for minor modifications to zoning conditions and development conditions related solely to dimensional or site design standards required by the Mayor and Council.

B. Applications for permits pursuant to the building and technical codes shall be reviewed and decisions rendered by the building official, pursuant to the requirements set forth in the applicable building and technical codes.

Sec. 12.01.04. *Applications subject to zoning advisory board action*

A. The following applications shall be reviewed by the Zoning Advisory Board and recommendations provided to the Mayor and Council.

1. Rezoning of property and amendments to the official zoning map.
2. Amendments to the ZONING CODE.
3. Amendments to the comprehensive plan and associated future land use map.
4. Variances (See Sec. 11.02.00).
5. Conditional uses (See Sec. 11.05.00).
6. Modifications to conditions placed on conditional uses and/or variances.

Sec. 12.01.05. *Reserved*

Sec. 12.01.06. *Applications subject to Mayor and Council action*

A. The following applications shall be reviewed and decisions rendered by the Mayor and Council:

1. Rezoning (amendment of the official zoning map) of property.
2. Amendment of the future infrastructure map.
3. Amendments to the ZONING CODE.
4. Amendments to the comprehensive plan.
5. Appeals of administrative and Zoning Advisory Board decisions (See Sec. 12.04.00.)
6. Modifications to conditions placed on rezonings.
7. Major modifications to master development plans.
8. Variances (See Sec. 11.02.00).
9. Conditional uses (See Sec. 11.05.00).
10. Modifications to conditions placed on conditional uses and/or variances.

Sec. 12.01.07. Reserved.

Sec. 12.02.00. Procedural requirements.

Sec. 12.02.01. *Submittal requirements for all applications*

A. All maps, concept plans, and development plans, though not building plans, shall conform to the following standards:

1. Drawings, except final plats and as-built plats, may be submitted either on paper or in digital files.
2. All final plats, as-built plats, and drawings submitted in digital format shall comply with the specifications set forth in the adopted Subdivision Ordinance.
3. All drawings shall contain the dates of preparation and any revisions.
4. All drawings shall be at the same scale, and shall be a minimum of one (1) inch equals one hundred (100) feet.
5. Drawing sheets shall be no larger than twenty-four (24) inches × thirty-six (36) inches and shall be uniform in size for a submittal.
6. All drawings shall contain a graphic and written scale and a north arrow.
7. All drawings shall contain the name, address, and telephone number of the preparer(s), property owner(s) and developer(s).

8. Drawings for development proposed in phases shall contain all required information for the total site, for each phase, and shall depict phase lines on the drawings.

9. All drawings shall contain the seal and signature of the licensed professional preparing the drawings and computations.

B. *Required support data and plans.*

1. All development plans shall be accompanied by a stormwater management plan meeting the requirements of Sec. 8.04.00.

3. Whenever a development proposes to disturb the regulatory floodplain, an engineering study shall be provided, in compliance with the requirements set forth in Sec. 3.01.00.

4. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of chapter 5, including the following:

   a. Identification of all trees, natural features, and manmade structures that will be retained upon the site;

   b. A description of proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.

5. Whenever a development contains protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection set forth in chapter 3 and in Sec. 6.02.01.

6. Whenever a development contains a floodplain or floodway, a floodplain management plan shall be provided, demonstrating compliance with the requirements of Sec. 3.01.00.

7. Applications for new or expanded mines or quarries shall provide information necessary to demonstrate compliance with state and federal laws and regulations.

8. Erosion and sediment control plans shall comply with the requirements of the Subdivision Ordinance and shall contain the following additional information:

   a. Name and phone number of a 24-hour local contact responsible for erosion and sedimentation controls.

   b. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that "Installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."

   c. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.

d. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan shall show options for year-round seeding.

e. Include the statement: "Mulch, temporary vegetation, or permanent vegetation shall be completed on all exposed areas within fourteen (14) calendar days after disturbance ceases."

f. Delineation of disturbed areas within project boundary.

g. Detailed drawings and narrative notes to demonstrate compliance with the erosion and sediment control standards set forth in Sec. 8.05.00 and the requirements in the current edition of the Manual for Erosion and Sediment Control in Georgia.

h. Maintenance statement: "Erosion and sedimentation control measures shall be maintained at all times. Additional erosion and sedimentation control measures and practices shall be installed if deemed necessary by onsite inspection."

i. Existing and planned contours, with ground slope contour intervals of two (2) feet. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia.

C. *Requirements regarding permanent reference monuments.* Materials, size, and location shall conform to the following:

1. Steel pins not less than one-half-inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyors registration number shall be set at all lot corners.

2. Resetting monuments. Any monuments disturbed by construction or grading shall be reset by the applicant and approved by the development director.

Sec. 12.02.02. *Requirements for development plans*

A. A subdivision plat may be submitted along with a rezoning request. However, the development director shall not approve the plat until the rezoning request has been granted by Mayor and Council.

B. The applicant shall submit the number of copies of development plans and supporting data and supporting plans as specified by the City.

C. The applicant shall submit one (1) copy of construction improvement plans to the HCWSA.

D. All development plans shall provide the information specified in Sec. 12.02.01 and the following information:

1. All information needed to demonstrate compliance with the site design and development standards in this ZONING CODE.

2. Depiction of existing uses in adjacent areas.
3. In the case of a re-subdivision, a copy of existing plat shall be provided with the proposed re-subdivision imposed thereon.
4. Proposed name of subdivision, including unit, phase, and lines separating phases and/or units.
5. Draft of proposed deed restrictions to be imposed.
6. Zoning district of the property, including any special conditions of zoning imposed by the Mayor and Council.
7. Deed, record names, and addresses of adjoining property owners or subdivisions, along with zoning of the adjacent parcels.
8. Total area in acres and square feet.
9. Any project to be developed in phases shall provide all information for the total site and for each phase.
10. Topographic contours and vertical intervals of not more than two (2) feet when a new street is proposed.
11. Soil conditions according to U.S. Soil Conservation Service Classifications Manual.
12. Proposed density (both gross and net) and lot layout, consistent with the requirements of the future land use map of the comprehensive plan, including lot and block numbers and/or letters. Layout of all lots shall indicate building setback lines, lot dimensions, and lot area. Lots with detention ponds shall meet minimum zoning area requirements outside the area of the detention pond.
13. For mixed use projects, including development in the OI, MU, and IAC zoning districts, 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.
14. 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.
15. Show all existing and proposed easements. Show drainage easements for storm drainage pipes that cross individual lots.
16. Protected open space.
17. Depiction of natural features on the site and adjacent areas, including streams, lakes, other water bodies, wetlands, designated groundwater recharge areas, land subject to a 100-year flood hazard, including contour elevations, and geologic features, and other protected environmental features, as set forth in chapter 3, including an outline of wooded areas, vegetation, and surface drainage, together with information on methods

for protection of natural features as required in this ZONING CODE. State if elevations are taken from a surveyed stream on a FEMA map or if the elevations are from an independent study (HEC-2, QUICK-2, etc.). Flood elevations on any lots within a 100-year flood hazard area shall be shown. In addition, the foundation elevation that is a minimum of three (3) feet above the established 100-year flood evaluation shall be shown. This data may be shown either on the layout or in tabular form.

18. 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.
19. Proposed buffers, landscaping, and tree protection as required by chapter 5. This shall include the location, size, and type of proposed plant materials.
20. Location of proposed buildings to be used for commercial, industrial, recreational or public facility uses, consistent with the requirements of chapter 4.
21. Details regarding other proposed structures or additions to existing structures, including accessory structures and signs.
22. Layout and names of proposed roads, alleys, public walkways/bikeways (i.e., sidewalks, trails, paths, bicycle facilities), with width of pavement and rights-of-way. Total lineal feet of proposed roads (per phase and total) shall be indicated. The proposed road system shall conform to the future infrastructure map and the requirements of Sec. 8.01.00.
23. Construction plans of streets including typical cross section and grade profiles. Show percent of each grade and length of each vertical curve.
24. Show the centerline stopping distance for all points of access onto public roads and posted speed limits on existing roads.
25. 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 8 shall be provided.
26. Construction plans of sanitary sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.

27. Construction plans of storm drainage systems with pipe sizes, length, grade, location of outlets, runoff and velocity calculations, etc. All storm drainage systems carrying off-site runoff shall be designed for the 100-year storm event. All storm pipes within the city right-of-way shall be approved by the city.
28. Construction plans of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
29. Final contours. Street profiles may suffice in indicating cut and fill volumes; however, in many cases, final contours must be shown on the plans.
30. Any structural practice used shall be explained and illustrated with detail drawings.
31. Show the following notes on all plans:
    a. A twenty-foot storm sewer and sanitary sewer easement exists along each property line and along each lot line, centered on lot lines, for future drainage and sanitary sewer lines.
    b. All storm drains shall be extended to the rear setback line.
    c. Grade stakes shall be set on all streets prior to any street grading. An as-built subgrade centerline profile shall be submitted and approved by City prior to the installation of curb and gutter or waterlines.
    d. An as-built detention pond detail and revised hydro study shall be submitted to the City prior to the final approval.
    e. All undisturbed buffers shall be field located; staked and flagged or marked with "tenzar" (or similar type fencing); and shall be submitted to the City for approval prior to grading.

E. Applications for development plans within each watershed protection area identified and regulated in Sec. 3.01.08 shall provide the following additional information:

1. The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.
2. The location of each perennial stream that crosses or abuts the site.
3. The location of each public reservoir that abuts the site.
4. The location, elevation and orientation of the 100-year floodplain on the site.
5. A certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development area or outside of the both areas.
6. Location and detailed design of any spill and leak collection systems designed for the purposes of containing accidentally released hazardous or toxic materials.

F. *Administrative action.*

1. The development director shall make a determination of completeness as set forth in Sec. 12.01.02.
2. When an application for development plan has been determined to be complete, the application and all accompanying information shall be distributed to all required reviewers.
3. The plan review process shall include a determination of compliance with the regulations of this ZONING CODE by the development director and recommendations for any changes necessary to improve the subdivision.
4. If the development plan is determined to be deficient by the development director or the HCWSA, it shall be returned to the applicant for revisions.
5. A development plan may be approved with conditions. If the development plan is approved with modifications, the conditions shall be indicated on the plat. A copy of the plat with changes indicated shall be returned to the applicant, who shall have the revisions made by the engineer, surveyor, or landscape architect who prepared the plat before the final plat is submitted for approval.
6. A soil erosion and sedimentation control plan, when in compliance with the standards for erosion and sedimentation control as set forth in Sec. 8.05.00, shall be approved prior to issuance of a building or development permit to begin construction.

Sec. 12.02.03. *Requirements regarding improvements*

A. *Pre-construction review and approval*

1. Prior to grading, the applicant shall arrange a pre-construction conference. The pre-construction meeting shall include a review of the soil erosion and sedimentation control plan, street cross sections and profiles, construction specifications, procedures for inspections and testing, stormwater drainage and detention facilities, and any other matters concerning the development. The applicant shall provide a list of names, telephone numbers, addresses, and business license numbers of all contractors and subcontractors employed on a job. A separate pre-construction meeting is required with the HCWSA prior to any water or sanitary sewer installation.
2. A development permit shall be issued only after the approval of the construction improvements plans and soil erosion and sedimentation control plan. Site grading shall be limited only to those areas clearly defined on the approved plans. Any site grading which is done without an approved soil erosion control plan and development permit is a violation of this ZONING CODE and shall result in enforcement penalties as provided by sections 12.06.00 and 12.07.00. In instances where grading has occurred prior to issuance

of a development permit, or when grading has exceeded the area approved according to the approved plans and development permit, the permit fee amount shall be doubled. Any violations of the conditions or limitations imposed by the development permit shall also be subject to penalties provided by Sec. 12.07.00.

Sec. 12.02.04. Reserved.

Sec. 12.02.05. *Requirements for development plans for a manufactured home development*

A. The application shall be accompanied by eight (8) copies of a development plan and a narrative report summarizing the development concept and time schedule.

B. The development plan shall comply with the submittal requirements in Sec. 12.02.02 and shall include the following additional information:

1. Details demonstrating compliance with the requirements of Sec. 4.03.16 regarding manufactured home parks and developments, including the proposed location of all lots or pads, buffers, required recreation areas, structures, and appurtenant facilities.

2. If the manufactured home development is proposed as a subdivision, all information required for a subdivision plat.

3. Detailed information regarding placement of all improvements, in compliance with the requirements set forth in Chapter 8.

C. The narrative report shall include the following information:

1. A summary of acres, dwelling units, and net density, as well as a statement of the number of acres devoted to buffer areas, recreation acres, and green belts, or other amenities, such as lakes, etc.

2. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction.

3. A draft of the proposed rules and regulations that shall be established and enforced by management if the development is a mobile home park.

4. A draft of the text of covenants running with the land which shall be binding on the applicant and/or any future owner of the property so long as the property is used as a mobile home development, which shall provide for perpetual upkeep and maintenance in a clean and healthy state, all grass, lawns, shrubbery, trees, recreation areas, and other natural amenities of the property including buffer zones. Said covenants shall be drawn to the satisfaction of, and subject to approval of the City of Stockbridge, and the City of Stockbridge shall be made a party thereto having full powers of enforcement at law or equity or otherwise. Upon approval by the City attorney, said covenants shall be recorded

in the superior court of Henry County and the recording of said covenants shall be a condition precedent to any development, defoliation, or other construction on the property.

5. In addition, typical elevation drawings, including general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises shall be submitted.

Sec. 12.02.06. *Requirements for permits*

NOTE: Permits required by the International Building, Gas, Mechanical and Plumbing Codes, the National Electrical Code and the International Residential Code as adopted by Mayor and Council shall also comply with the requirements set forth in Appendix B, Administration of Building and Technical Codes.

A. *Generally*

1. Applications for permits shall be submitted on forms provided by the City.
2. Applications shall be accompanied by payment of fees as required by each department's most recently approved fee schedule.
3. Applications shall be accompanied by plans, drawings, or other documents as required by the City.
4. All permit applications shall be complete prior to processing.

B. *Residential land-disturbance (outside of a watershed protection area)*

1. Applicants for the residential land-disturbance permit shall provide a proposed site plan, drawn to scale by a registered surveyor or engineer, showing the lot, rights-of-way, easements, buffers, all preserved areas of trees, direction of drainage and proposed placement of the septic system, if any. Such plan shall also show the proposed location of all erosion control devices, setback lines, building size, location of the building on the lot, driveway, and the location of all other structures on the site.
2. A permit shall be issued upon submittal of the application and the required permit fee; however, land-disturbance is not to proceed until an inspector has visited and approved an initial inspection verifying that the application complies with the ZONING CODE.
3. Additional inspections may be made, as necessary at the discretion of the administration, in order to verify compliance with the requirements for erosion control in Sec. 8.05.00 and tree protection in Sec. 5.03.00

C. *Other land-disturbance (outside of a watershed protection area)*

Applications for permits for any land-disturbing activity for any development shall meet the general requirements for all applications, shall include an erosion and sedimentation control plan as required in subsection 12.02.01.B.8, and the following additional information:

1. In addition to the local permitting fees, fees shall also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided that such fees shall not exceed eighty dollars ($80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land-disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-7 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

2. Approval by the Henry County Soil and Water Conservation District (district). Immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the district for its review and approval or denial concerning the adequacy of the erosion and sedimentation control plan. The district shall approve or denial a plan within thirty-five (35) calendar days of receipt. Failure of the district to act within thirty-five (35) calendar days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the City. Such review shall not be required if the City and the district have entered into an agreement which allows the City to conduct such review and approval of the plan without referring the application and plan to the district.

3. Identification of any violations of previous permits, the requirements of Sec. 8.05.00, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration.

4. Proof of irrevocable letter of credit.

5. Proof of payment of all ad valorem taxes levied against the property.

6. No permit shall be issued by the development director unless the erosion and sedimentation control plan has been approved by the district and the development director has affirmatively determined that the plan complies with the requirements of Sec. 8.05.00. If a letter of credit is required, the permit shall not be issued until the requirements regarding the letter of credit have been satisfied.

7. If the permit is denied, the reason for denial shall be furnished to the applicant.

8. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

9. The permit may be suspended, revoked, or modified by the development director, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ZONING CODE. A holder of a permit shall notify any successor in title to the permit holder as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

D. *Permits for timber removal*

Applications for permits for timber removal shall follow the requirements of either paragraph 1. or 2., below:

1. A parcel that has been declared silvicultural shall provide the information in paragraphs a. through e. below, along with the permit application form:

   a. A certificate from the tax assessor indicating agricultural preference;

   b. A forest management plan, demonstrating compliance with the erosion control standards set forth in Sec. 8.05.00.

   c. A commitment to follow the Georgia Forestry Commission "Best Management Practices;" and

   d. A commitment to reforestation of the site.

   e. Upon approval by the City, a combined timber removal and logging permit shall be issued.

2. Land designated for silvicultural activities may subsequently be developed, provided that a development plan has been prepared and approved by the development director prior to any clearing, grading, clear-cutting, or other land-disturbance. Where a development plan has been approved, a land-disturbance and timber removal permit may be issued by the City of Stockbridge pursuant to procedures for land-disturbance permits in subsection 12.02.06. D.

Sec. 12.02.07. *Requirements regarding ownership and management of open space*

A. Where open space is required in a proposed development, the open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. If the entity accepting an easement is not the City of Stockbridge, then a right of enforcement favoring the City of Stockbridge shall be included in the easement. The instrument shall be one (1) of the following:

1. A permanent conservation easement in favor of either paragraph a. or b., below:

a. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence. The conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

b. A governmental entity that will ensure perpetual management of the open space.

2. A permanent restrictive covenant, recorded on the final plat in favor of the City of Stockbridge.

3. An equivalent legal tool that provides permanent protection, if approved by the Mayor and Council.

B. The legal instrument for permanent protection shall include clear restrictions on the use of the open space. The restrictions shall include all required by this ZONING CODE.

C. Open space may be owned by a homeowners' or property owners' association. Where such association is established and authorized to own the protected open space, membership in the association shall be mandatory for all owners and their successors within the development containing the protected open space. The association shall be responsible for managing and maintaining the open space and any structures located within the open space.

D. A plan setting forth the requirements and procedures to be followed in order to manage the land and vegetation on the land. Such management shall be consistent with the protection of natural resources on the land, consistent with the requirements of Chapter 3.

Sec. 12.02.08. *Specific requirements regarding placement of manufactured homes in single-family residential districts*

A. Applications for approval of placement of manufactured homes shall meet the general submittal requirements set forth in Sec. 12.02.05. In addition, the application shall provide photographs or renderings of the front and side of the manufactured home or mobile home exterior finish and other information reasonably necessary to make determinations required by this ZONING CODE.

B. The development director shall make a determination of completeness as set forth in Sec. 12.01.02.

C. The completed application shall be submitted to the compatibility standards review committee for review and approval or denial.

D. Approval or denial of the application shall be made within thirty (30) calendar days of the date of receipt of the application and all required supporting materials.

1. The applicant shall be notified in writing of the approval, conditional approval, or denial of the application within two (2) working days after such decision is made.
2. Conditional approval shall require that the specific conditions and the reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant upon agreement.
3. In the case of denial, the reasons therefore shall be specifically stated in writing by designating each specific provision of this ZONING CODE that is not met and an explanation as to the reason or reasons why each such provision is not met.

E. Approved manufactured homes and their placements shall be taxed in the same manner as comparable site-built homes within the area where the manufactured home is located.

Sec. 12.02.09. *Requirements for amending the official zoning map (rezoning)*

A. *Requirements.* The official zoning map may be amended by the Mayor and Council on its own motion, on recommendation from the Zoning Advisory Board, or by approval by the Mayor and Council of an application from a property owner. An adopted zoning resolution shall be an amendment to the official zoning map.

B. *Concept plans.* Concept plans shall be submitted with rezoning applications. Any concept plan shall contain the information required for all applications and the information set forth below:

1. Project name.
2. Vicinity map showing zoning districts and existing land use within five hundred (500) feet of the boundaries of the site.
3. Total area in acres and square feet.
4. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district.
5. 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.
6. General location of existing and proposed roads and utility rights-of-way or easements.
7. Location of existing property lines within the development site.
8. General location of existing and proposed development by type of use.
9. Proposed residential density and dwelling unit types, if applicable.
10. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.

11. General plan for the provision of utilities and infrastructure, including the following:

    A report or letter from the City or HCWSA 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.

C. *Action by the development director*

1. The development director shall make a determination of completeness as set forth in Sec. 12.01.02.
2. The development director shall prepare a staff report addressing the following issues, in priority:
    a. Consistency with the comprehensive plan.
    b. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this ZONING CODE.
    c. Potential positive effects of the amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or the community.
    d. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.
    e. The impact upon adjacent property owners shall the request be approved.
    f. The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.
    g. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.
    h. The merits of the requested change in zoning relative to any other guidelines and policies for development that the Zoning Advisory Board and Mayor and Council may use in furthering the objectives of the comprehensive plan.
    i. The capacity of the site to be developed as presently zoned.

D. *Zoning Advisory Board recommendation*

1. The application shall be submitted to the Zoning Advisory Board for review at a public hearing, conducted as set forth in Sec. 12.00.05.

2. The Zoning Advisory Board shall review the application according to the published schedule.

3. The Zoning Advisory Board shall submit its report with comments and recommendations according to the published schedule. The recommendations of the Zoning Advisory Board shall be submitted to the Mayor and Council. The recommendations of the Zoning Advisory Board shall be of an advisory nature and shall not be binding on the Mayor and Council.

4. In making its recommendation, the Zoning Advisory Board may recommend approval, approval with conditions, or denial. Findings shall be set forth in official minutes of the Zoning Advisory Board.

E. *Mayor and Council action.*

1. The Mayor and Council shall consider the application for rezoning at a public hearing conducted as set forth in Sec. 12.00.05.

2. The Mayor and Council shall consider the information set forth in the staff report and the findings and recommendations of the Zoning Advisory Board.

3. In deciding upon any application for an amendment to the official zoning map, the Mayor and Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Zoning Advisory Board, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.

4. The Mayor and Council may include conditions as follows:

   a. Such conditions as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change;

   b. Setback requirements from any lot line;

   c. Specified or prohibited locations for buildings, parking, loading or storage areas;

   d. Restrictions on land use activities to be permitted;

   e. Maximum building dimensions and height;

   f. Landscaping or planted area that shall include the location, type, and maintenance of plant materials within a designated buffer area;

   g. Fences, walls, earth berms, or other landscape buffer provisions or protective measures;

   h. Preservation of existing trees and vegetation;

   i. Special conditions to eliminate or reduce undesirable views, light, glare, dust, or odor;

j. Hours of operation; and

k. Architectural details to be compatible with existing buildings in the area.

5. A rezoning approved with conditions shall list in writing those conditions agreed to and shall include a requirement for adherence to concept plan, if any, submitted to accompany the application. The applicant or any successor in title shall construct only those uses and only in such a manner as identified in writing or upon the concept plan.

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 one (1) year has elapsed from the date of withdrawal.

7. If the zoning decision of the Mayor and Council is for the rezoning of property and the amendment to accomplish the rezoning is defeated by the Mayor and Council, then the same property shall not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning by the Mayor and Council.

Sec. 12.02.10. *Requirements for modifications to approved zoning conditions, concept plans, and development plans*

A. Major modifications to zoning conditions include any changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to the zoning approval as conditions of approval. The following procedure shall be followed:

1. An application shall be submitted containing details of the amendment requested, the situation giving rise to the need for an amendment, and accompanied by plans fully describing the nature and extent of the amendment.

2. A staff report shall be prepared to address the issues listed in subsection 12.02.09.C. for the amended concept plan and/or zoning conditions.

3. The Zoning Advisory Board shall review the application for an amended concept plan. The Zoning Advisory Board shall consider the application for amended conditions placed on conditional uses and/or variances and make a recommendation to Mayor and Council according to the procedure in subsection 12.02.09.D.

4. The Mayor and Council shall consider the application for amended zoning conditions and/or concept plan at a public hearing according to the procedures in subsection 12.02.09.E.

B. Minor modifications include changes to dimensional design features as depicted on a concept plan. Such dimensional design features as provided on a development plan shall generally conform to the conditions depicted on the concept plan, but shall be allowed to vary so long as the development director determines that the development plan is generally consistent with the concept plan conditions. The following information shall be provided:

1. The development plan shall be accompanied by a detailed description of the site design features depicted on the development plan that differ from the concept plan.
2. The description of the modifications shall also include an explanation of the need for the modification.
3. The development plan application will be processed as set forth in Sec. 12.02.02.

C. Requests to modify approved development plans may be approved by the development 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 development director shall follow the same procedures and address the same issues as for the original application.

Sec. 12.02.11. *Requirements for amendments of the ZONING CODE*

This ZONING CODE may be amended by the Mayor and Council on its own motion. Otherwise, a complete application packet shall be required as described below:

A. An application to amend the text of the ZONING CODE shall be submitted on forms provided by the City.

B. The application shall include the following information:

1. Identification of the specific provision proposed for amendment;
2. The proposed modifications in a strikethrough and underline format;
3. A detailed explanation of the rationale and justification for the requested amendment; and
4. A detailed explanation of the potential impacts of the modification on the development of the city of Stockbridge;

C. The development director shall prepare a staff report analyzing the proposed amendment and recommending approval, denial, or approval with modifications. The staff report shall address the following issues:

1. Consistency of the amendment with the comprehensive plan.

2. Potential impacts on the character and quality of development in the city of Stockbridge and any affected zoning districts.
3. Potential impacts on the provision of infrastructure and improvements.
4. The merits of the proposed amendments relative to any guidelines, policies, or programs adopted in furtherance of the comprehensive plan.

D. The Zoning Advisory Board shall consider the proposed amendment to the ZONING CODE at a public hearing, according to the procedures set forth in Sec. 12.00.05.

1. The Zoning Advisory Board shall evaluate the proposed amendment, considering the issues and recommendations contained in the staff report.
2. The Zoning Advisory Board shall make a recommendation to the Mayor and Council for approval, approval with further modifications, or denial.

E. The Mayor and Council shall consider the proposed amendment at a public hearing conducted as set forth in Sec. 12.00.05.

1. The Mayor and Council shall consider the information set forth in the staff report and the recommendations of the Zoning Advisory Board.
2. The Mayor and Council may approve, approve with modifications, or deny the proposed amendment to the ZONING CODE.

Sec. 12.02.12. *Requirements for amendment to the comprehensive plan*

The comprehensive plan may be amended by the Mayor and Council on its own motion. Otherwise, a complete application packet shall be required as described below.

A. An application to amend the text or maps of the comprehensive plan shall be submitted on forms provided by the City.

B. The application shall include the following information:

1. Identification of the specific provision proposed for amendment.
2. The proposed modifications in a strikethrough and underline format.
3. A detailed explanation of the rationale and justification for the requested amendment.
4. A detailed explanation of the potential impacts of the modification on the development of The City of Stockbridge.

C. The development director shall prepare a staff report analyzing the proposed amendment and recommending approval, denial, or approval with modifications.

D. The Zoning Advisory Board shall consider the proposed amendment to the comprehensive plan at a public hearing, according to the procedures set forth in Sec. 12.00.05.

1. The Zoning Advisory Board shall evaluate the proposed amendment, considering the issues and recommendations contained in the staff report.
2. The Zoning Advisory Board shall make a recommendation to the Mayor and Council for approval, approval with further modifications, or denial.

E. The Mayor and Council shall consider the proposed amendment at a public hearing conducted as set forth in Sec. 12.00.05.

1. The Mayor and Council shall consider the information set forth in the staff report and the recommendations of the Zoning Advisory Board.
2. The Mayor and Council may approve, approve with modifications, or deny the proposed amendment to the comprehensive plan.

Sec. 12.02.13. Reserved.

Sec. 12.02.14. Reserved.

Sec. 12.03.00. Notice requirements

Sec. 12.03.01. *Public notice required*

A. Notice shall be provided by the City for public meetings and hearings regarding the following actions:

1. Amendment of the official zoning map;
2. Amendment of the future infrastructure map;
3. Amendment of ZONING CODE;
4. Major modification of zoning conditions and/or concept plans;
5. Variance;
6. Conditional use;
7. Permit to disturb a cemetery;
8. Designation of historic districts and historic properties; and
9. Certificate of appropriateness.

B. Notice shall include the following information:

1. Time of the public meeting or public hearing;
2. Place of the public meeting or public hearing;
3. Purpose of the requested action; and

4. For requests to amend the official zoning map, the notice shall include the current and proposed zoning district.

Sec. 12.03.02. *Legal advertisements*

A. The public notice shall be published within a newspaper of general circulation within the territorial boundaries of The City of Stockbridge, at least fifteen (15) but not more than forty-five (45) calendar days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing.

B. If a rezoning is initiated by a party other than the City then the notice shall include the present zoning classification of the property, and the proposed zoning classification of the property.

Sec. 12.03.3. *Requirements for posting signs*

A. The City shall provide standardized signs for posting to provide public notice of meetings and hearings.

B. The City shall be responsible for posting the sign as follows:

1. The sign shall be posted in a conspicuous location on the property.

2. The sign shall be posted not less than fifteen (15) and not more than forty-five (45) calendar days prior to the date of the hearing.

3. If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street that provides access to the site.

C. The City shall be responsible for timely removal of the sign following the hearing.

Sec. 12.03.04. *Mailed notice*

Mailed notice shall be provided at least fifteen (15) but not more than forty-five (45) calendar days prior to the date of the hearing for all variances, conditional uses, modifications, and amendments to the official zoning map (rezoning). The City shall provide the mailed notice in compliance with applicable Georgia Law.

Sec. 12.04.00. Appeal of administrative actions

A. The Mayor and 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 development director, based on the interpretation or enforcement of the ZONING CODE.

B. Only persons or entities that have legal standing in the challenged action shall be permitted to file an appeal under this code section.

C. Appeals under this code section shall be filed with the development director. The appeals will be forwarded to the appropriate department within two (2) working days of receipt of the completed appeal application. The development director shall immediately notify the appropriate department that an appeal application and the requisite fees have been filed and shall immediately forward those documents to the appropriate department head and/or his or her designee for handling. Upon receipt of the appeal documents, the department head or his/her designee shall be responsible for notifying the city clerk via email that an appeal application has been filed and shall thereafter, be responsible for ensuring that all appeal documentation is provided to the city clerk for inclusion of the matter on a scheduled public meeting to be heard by the Mayor and Council not later than thirty (30) calendar days from the date of filing. The notifying department shall be responsible for submitting any required legal advertisements and posting the appropriate signs. The development director shall be responsible for notifying all affected parties that an appeal has been filed and the date on which the appeal will be heard by the Mayor and Council. The development director shall be responsible for providing an executive summary detailing the rationale for the decision in question and shall present the findings and all relevant documents pertaining to the appeal to the city clerk for presentation at the Mayor and Council meeting in which the appeal will be heard.

   Should the Mayor and Council overturn the decision of staff, the applicant shall have thirty (30) calendar days from the date of the decision to request a refund of no more than seventy-five (75) percent of the appeal fee paid.

D. A scheduled appeal may be temporarily postponed at the request of the appellant or staff; however, the party requesting such postponement shall be responsible for the cost of any legal advertisement fees prior to the matter being rescheduled for a new hearing date.

Sec. 12.04.01. *Applicability*

A. Appeals may be filed by any person aggrieved by any written approval, denial, interpretation, decision or enforcement action of the development director, based on or made in the enforcement of the ZONING CODE.

B. A person shall be considered aggrieved if:

   1. Said person or said person's property was the subject of the action appealed from; or

   2. Said person has a substantial interest in the action appealed from and is in danger of suffering special damage or injury not common to all property owners similarly situated.

Sec. 12.04.02. *Time for applications and hearings*

A. An appeal shall be filed within thirty (30) calendar days following the written approval, denial, interpretation, or decision of the Zoning Advisory Board or the development director.

B. A hearing before the Mayor and Council shall be held according to the published schedule.

Sec. 12.04.03. *Application requirements*

An appeal request, along with the advertising and review fee per the approved fee schedule shall be filed with the development director indicating on the application in which the administrative decision originated and include a letter of intent addressing the following:

1. Completed application form, provided by the City;
2. Written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the Zoning Advisory Board or the development director;
3. Citation of the section(s) of the ZONING CODE pertaining to the action of the development director; and
4. A statement of the specific relief requested by the party appealing.

Sec. 12.04.04. *Stay of proceedings*

An appeal stays all legal proceedings in furtherance of the action appealed from unless the development director certifies to the Mayor and Council, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in the opinion of the development director, cause imminent peril to life or property. In such case, proceedings shall be stayed only by a restraining order granted by the superior court of Henry County on notice to the development director and on due cause shown.

Sec. 12.04.05. *Action on appeals*

A. The hearing of the appeal shall be quasi-judicial and shall be conducted at a regular meeting, according to the published schedule, or at a special meeting of the Mayor and Council.

B. Notice shall be provided pursuant to the requirements of Secs. 12.03.01 and 12.03.02 as well as due notice to the parties in interest.

C. Any party may appear at the hearing in person, by an authorized agent, or by an attorney.

D. Following the consideration of all testimony, documentary evidence, and matters of record, the Mayor and Council shall make a determination on the appeal. An appeal shall

be sustained only upon an expressed finding by the Mayor and Council that the decision by the Zoning Advisory Board or the development director was based on an erroneous finding of a material fact, or that the development director acted in an arbitrary manner. In exercising its powers, the Mayor and Council may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination appealed from, and to that end shall have all the powers of the development director from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

Sec. 12.05.00. Appeals of Mayor and Council actions

All appeals of final decisions of the Mayor and Council shall be as follows:

A. Any person aggrieved by a final decision of the Mayor and Council may appeal such decision by filing a petition in writing with the superior court of Henry County setting forth plainly, fully, and distinctly why the decision is contrary to law.

B. An appeal shall be filed within thirty (30) calendar days after the disputed final decision is rendered.

Sec. 12.06.00. Enforcement

A. The development director, the building official, and their authorized designees shall have the authority under the guidance of the Mayor and Council to enforce the provisions of this ZONING CODE.

B. The development director, building official, and their authorized designees shall have authority to enter upon privately owned land for performing their duties under this ZONING CODE and may make or cause to be made such examinations, surveys, or sampling, as the City deems necessary.

C. Agents and employees of the City and law enforcement officials and other officials having police powers shall have authority to assist in enforcement of this section.

D. No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The development director shall order the cessation of all work on a site at any time if any aspects of this ZONING CODE are violated. Issuance of a certificate of occupancy shall be conditioned on compliance with this ZONING CODE at the time a final inspection is requested.

F. The development director or the building official shall have the authority to revoke, suspend, or void any development or building permit or to withhold issuance of a certificate of occupancy until the requirements hereof are met.

G. If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this ZONING CODE, the Mayor and Council, the development director, or the building official, in addition to other remedies, may institute an injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

H. When a building or other structure has been constructed in violation of this ZONING CODE, the violator shall be required to remove the structure.

I. When removal of vegetative cover, excavation or fill has taken place in violation of this ZONING CODE, the violator shall be required to restore the affected land to its original contours and restore vegetation, as far as practicable, in compliance with the erosion and sedimentation control standards of this ZONING CODE.

J. Nothing herein shall prevent the City of Stockbridge from taking other legal action as determined necessary to enforce this ZONING CODE, or to prevent or remedy any violation.

Sec. 12.07.00. Penalties

A. Violations of the provisions of this ZONING CODE or failure to comply with any of its requirements, including violation of conditions and safeguards in connection with grants of variances shall, upon conviction, be punishable by a fine or by imprisonment of not more than sixty (60) calendar days, or both, except as set forth in subsection B., below.

B. Any person violating any provision of this ZONING CODE, permitting conditions, or a stop work order, when such violation involves the construction of a single family dwelling which is under contract with an owner for occupancy, shall be liable for a fine for each violation, by a sentence of imprisonment not exceeding sixty (60) calendar days in jail, or both.

C. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue. Each day such violation continues shall be considered a separate offense.

D. All costs, attorney's fees, expert witness fees and other expenses incurred by the City in connection with the enforcement of this ZONING CODE shall be recovered from the violator.

Appendix A. - Master list of acronyms and definitions.

Acronyms

BMP — Best management practices (BMP plan)

BTL — Build-to line

CLOMA — Conditional letter map of amendment

CLOMR — Conditional letter of map revision

CSD — Conservation subdivision development

DBH — Diameter at breast height

DCA — Department of community affairs

DHR — Department of human resources

DNR — Department of natural resources

FAA — Federal Aviation Administration

FCC — Federal Communications Commission

FEMA — Federal Emergency Management Agency

FHBM — Flood hazard boundary map

FIRM — Flood insurance rate map

FIS — Flood insurance study

GSMM — Georgia Stormwater Management Manual

HCWSA — Henry County Water and Sewer Authority

HPB — Historic preservation board

HVAC — Heating, ventilation, and air conditioning

ICWPA — Indian Creek Watershed Protection Area

LBCS — Land based classification standards

LBWPA — Long Branch Creek Watershed Protection Area

MNGWPD — Metropolitan North Georgia Water Planning District

NGVD — National Geodetic Vertical Datum

NWI — National Wetland Inventory

OCGA — Official Code of Georgia Annotated

PD — Planned development

RFN — Residential fly-in neighborhood

RNC — Rural neighborhood commercial

ROW — Right-of-way

RPZ — Runway protection zone

RV — Recreational vehicle

TND — Traditional neighborhood development

WCF — Wireless communication facility

WPA — Watershed protection area

ZAB — Zoning advisory board

Definitions: For the purposes of this Zoning 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 elsewhere in the Stockbridge Municipal Code, the definition in the existing Stockbridge Municipal Code show govern. All terms not defined herein shall be defined as elsewhere in the Stockbridge Municipal Code. Terms not found in the Stockbridge Municipal Code shall be defined as in the Official Code of Georgia Annotated.

A

Abandoned cemetery. A cemetery which shows signs of neglect including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

Accessory apartment (garage apartment). See accessory dwelling.

Accidental discharge. A discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

Activity center. An activity center is an area that includes office, retail, service, residential or civic uses that create a central focus for a larger area. An activity center also has generally recognizable boundaries.

Crossroads. A small node at a major intersection or crossroad in rural or estate residential community that provides local needs along with a sense of place. The crossroads activity center includes a nucleus comprised of one (1) or more of the following elements: a church, community center, cemetery or other civic/historic landmark, recreation center, restaurant, gas station, or small store with convenient commercial services used on a daily basis for local residents that frequently pass by. The design of the crossroads community center should take into consideration how it could be expanded as the population grows in the surrounding area. The node may be served by septic tanks.

School node. For many county residents, the local school and in particular the local school cluster where one (1) or more schools are co-located, serves as a major center and focus of activity. This type of center is designed to compliment this type of lifestyle. Being predominately residential in its composition, it will also include neighborhood oriented commercial areas as well as recreational areas ideally linked by a network of multiuse trails and sidewalks. The center should extend a reasonable walking or cycling distance from the schools or approximately a mile from the core.

Specialty use center. This type activity center is truly unique and unlike the other centers is usually dominated by one (1) major large-scale use. The best example in the county is the Atlanta International Motor Speedway. A specialty use center often has its own unique transportation needs, and in many

ways serves a showcase for the community. Special attention should be given to preserving and enhancing the function of the focal point of this type of center.

Suburban employment center. An activity center located around one (1) or more of the county's interstate interchanges. The core of the center would be largely commercial and included a wide range of retail, commercial and service uses. This type of center would include such uses as office buildings, major commercial centers, large civic facilities, and a wide variety of housing types. Large-scale mixed-use developments are also appropriate here. The center should extend a half mile or more on one (1) or both sides of the interstate. Being located close to the interstate, the most prominent gateway to the county, the design of the center and the buildings within it should pay special attention to the viewshed from the interstate.

Village node. This type of center would have at its core a compact and well-organized commercial and civic core built along a formal gridded, interconnected street network. The center will include a full array of "life-cycle" housing choices and provide cultural and passive recreational opportunities. The village center will have its own unique identity, enforced by common design themes used for public facilities and spaces. The village center should also be relatively self-contained providing most of everyday services needed by village residents.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Administrative waiver. A grant of relief by the administrator from specified standards of the ZONING 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. The person, officer, official, or his authorized representative designated by the Mayor and Council, City of Stockbridge, as its agent for the administration of the provisions of the ZONING CODE.

Adult day care. A facility that provides support for elderly individuals (and their families, if present), who do not function fully independently, but who do not need twenty-four-hour nursing care.

Addition to an existing building. Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adult entertainment establishment. Any establishment featuring live performances, films, still pictures, electronic reproductions, or video with graphic or other visual images distinguished or characterized by an emphasis on sexual conduct or sexual explicit nudity. Adult entertainment establishments include, but are not limited to, adult bookstores, adult dance establishments, adult motion picture arcades, adult movie theaters, and adult video stores.

Agriculture. Cultivating the soil, producing crops and raising of livestock (farming, and associated activities) upon one (1) or more tracts of land containing not less than three (3) acres. Selling of products raised on the premises shall be considered a permissible activity; provided, that space for the off-county right-of-way parking is available to customers.

Aircraft. Any vehicle used or designed for flight in the air.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

Alternative tower-structure. Manmade trees, clock tower, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amusement park (outdoor or indoor). Land designed to be used by the public for a fee that contains amusement facilities, such as merry-go-rounds, race car and bike tracks, outdoor motion picture theaters,

paint ball courses, driving ranges, miniature golf courses, skateboard rinks, and similar uses for entertainment.

Antenna array. Any exterior apparatus (rods, panels, discs, etc.,) designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. The antenna does not include the support structure.

Applicant. For the purposes of section 8.04.00, a person submitting a post-development stormwater management application and plan for approval.

Appeal. A request for a formal review of an appointed administrative official's decision regarding provisions of this ZONING CODE.

Approach surface. The area longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

Arcade. A roofed passageway, lane, or area supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery contiguous to a street or plaza that is open provides public access to building entrances, retail space and/or public space and is accessible to the public. An arcade may be especially one with shops on one (1) or both sides or a commercial establishment featuring rows of coin-operated games.

Arch. A structure forming the curved, pointed, or flat upper edge of an open space and supporting the weight above it, as in a bridge or doorway.

Archeologist. Any person who is:

(1) A member of or who meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves; or

(2) Employed on July 1, 1991, by the state or by any county or municipal governing authority as an archeologist.

Archery range. A public or privately owned facility designed and operated for the purpose of archery practice at targets within a controlled setting.

Area of shallow flooding. The designated AD or AH zone on the flood insurance rate map, with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land within the floodplain that is subject to a one (1) percent or greater change of flooding in any given year. This includes all floodplain and floodprone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and floodprone areas at or below the future-conditions flood elevation, and all other floodprone areas. All streams with a drainage area of one hundred (100) acres or greater shall have the area of special flood hazard delineated. This ordinance 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 article 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 article or any administrative decision lawfully made thereunder.

As-built plans. Detailed construction plans showing completed improvements as constructed.

Assisted living facility. A state-licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which could include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Athletic field. Open land used for outdoor games such as baseball, football, soccer and other field sports.

Attached wireless communication facility (attached WCF). See wireless communication facility.

Automotive service, major. Repair services to motor vehicles which require substantial replacement and/or repair of major components. Examples of major automotive repair services include, but are not limited to, transmission repairs/replacement, engine overhaul and radiator repair. Any repair services to construction equipment, agricultural equipment, commercial highway tractors, or dump trucks shall be considered major automotive services.

Automotive services, minor. Repair and maintenance services which require only very brief adjustment and replacement of minor components. Examples of minor automotive services include, but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system servicing, muffler replacement and alignment.

Automobile service station. A building or premises where products necessary for automobile service or maintenance are sold; provided, there is no storage or dismantling of automobiles and only minor services are rendered. An automobile service station is neither a repair nor a body shop.

Authority. The use of the word "authority" shall mean the Henry County Water and Sewerage Authority or the Clayton County Water Authority.

B

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the "base flood" is also called the "100-year flood."

Base flood elevation. The highest water surface elevation anticipated at any given point during the base flood.

Basement. That portion of a building that is partly or completely below grade where the finished floor level of the floor above the level under construction is:

1. Six (6) feet or less above the grade plan.
2. Six (6) feet or less above the finished ground level for more than fifty (50) percent of the total building perimeter.
3. Twelve (12) feet or less above the finished ground at any point.

Bed and breakfast facility. A private residence that offers sleeping accommodations to lodgers in six (6) or fewer rooms for rent, in the owner or operator's principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast establishment for fewer than thirty (30) consecutive days.

Bedroom. A room that has a closet.

Berm. An earthen mound or embankment, usually two (2) to six (6) feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Best management practices. A collection of structural practices and measures written by a state agency or other known authority which, when properly designed, installed and maintained, will prove effective in the areas of erosion and sedimentation control, silviculture, stormwater, etc. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

Best management practices plan (BMP plan). A plan consisting of a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Block. An area of land within a subdivision that is entirely surrounded by streets, public lands, rights-of-way, watercourses, or other well-defined and fixed boundaries. (Blocks are illustrated in figure A.1.)

Boarding and/or rooming house. A building dedicated to and used for the lodging and/or feeding, for compensation, of up to six (6) nontransient persons, unrelated by blood or marriage to the owner or operator of the house, and where renting individuals are also served with meals prepared in one (1) kitchen by the owner or operator of the house, as defined herein. Foster children placed in a family home, a community

residential home with six (6) or fewer residents, a nursing home, or a personal care home shall not be established as a boarding and/or rooming house.

Mayor and Council. Mayor and Council of the City of Stockbridge, Georgia.

Body shop. A building or location where motor vehicle repair and/or replacement are performed, including, but not limited to, painting and metal fabrication of motor vehicles bodies or structures. A body shop is a major automotive service.

Breezeway. A roofed, often open, passageway connecting two (2) buildings or halves of buildings. In residential zoning districts the maximum length of a breezeway that is used to incorporate a new structure as part of the principal building is not to exceed twenty (20) feet and the minimum width is to be four (4) feet. The breezeway is to connect each building at an exterior door.

Buffer. A natural and/or enhanced vegetated landscaped area of a lot located and/or established. A buffer is maintained and created with the intention to visibly separate different and possible incompatible types of uses, measured from the common property line of the different uses, to shield or block noise, light, glare, or other nuisances, or the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat within a water supply watershed adjacent to reservoirs or perennial streams.

Buffer strip. Land area located within the boundary of a lot required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

Build-to line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street.

Buildable area. The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

Building. Any structure attached to the ground with a roof, designed and built for support, shelter, storage, or enclosure for occupancy by persons or animals.

Accessory building. A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

Building addition. Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall.

Building frontage. The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Building permit. The permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.

Elevated building. A nonbasement 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.

Height of building. See building height.

Principal building. The building or structure in which the primary use permissible on the lot is conducted. In RA (less than two (2) acres or a platted subdivision), R-1, R-2, R-3, R-4, R-5, RD, RM, RS and RMH residential zoned districts a dwelling shall be deemed to be the principal building on the lot. A structurally independent garage, carport or other structure may be attached to the principal buildings by a roofed breezeway which shall cause the entire structure to be construed as part of the principal building and shall be subject to the sections applicable to the principal building or structure.

A detached and structurally independent carport, garage or other structure shall conform to the requirements of any accessory building.

Building envelope. The area formed by the front, side, and rear building restriction or setback lines of a lot within which the principal buildings must be located.

Development director. The official designated by the Mayor and Council of the City of Stockbridge as being responsible for issuing construction permits and certificates of occupancy.

Building height. The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof on a building. When referring to a tower, sign or other structure, the distance measured from ground level to the highest point on the tower, sign or other structure, even if said highest point is an antenna. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Built environment. The elements of the environment that are generally built or made by people as contrasted with natural processes.

Burial ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Burial object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. Such term also means any inscribed or un-inscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Business subdivision. See subdivision.

C

Caliper. The diameter or thickness of the trunk of a nursery-grown tree as measured at four (4) inches above the top of the root mass.

Canopy roofed structure. A roofed structure that covers an area, or especially one that shelters a passageway between two (2) buildings.

Canopy tree (large tree or shade tree). Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet. Shade trees for landscaping industrial, commercial, office-institutional, multifamily residential and mobile home zoning developments, existing or planted, shall be at least eight (8) feet in height and two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4½) feet above grade for existing trees. Examples include Red Maple, Sycamore, English Oak, Willow Oak, Loblolly Pine, or trees of similar stature.

Capital improvement. An improvement with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element. That portion of the City of Stockbridge Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the Mayor and Council.

Care home. A care facility where personal care services are provided to more than six (6) nonfamily adults. See "personal care home" definition for permitted services and other requirements.

Carport. Any parking space(s) having a covered roof but not enclosed by walls and is an accessory structure to a dwelling unit. Carports shall not include any parking structures.

Cemetery or *cemeteries.* Any land or structure in The City of Stockbridge dedicated to and used, or intended to be used for interment of the dead. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium or a combination of one (1) or more thereof, and including chapels or churches when operated in conjunction with and within the boundaries of such cemetery.

Central sanitary sewer system. See wastewater system.

Certificate of appropriateness. A document evidencing approval by the historic preservation board of an application to make a material change in the appearance of a designated historic property located within a designated historic district.

Certificate of occupancy. A document issued by the development director indicating the use of a particular building or land which conforms to the requirements of this ZONING CODE.

Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Channel bank. The sloping land bordering a channel. The bank has a steeper slope than the bottom of the channel and is normally steeper than upland areas adjacent to the channel.

Character. The image and perception of a community as defined by its built environment, landscaping, natural features and open space, types and style of housing, and number and size of roads and sidewalks.

Charette. Public design workshop in which designers, property owners, developers, public officials, environmentalists, citizens, and other persons or group of people work in harmony to achieve an agreeable master plan.

Church or other place of worship. A building used for public worship including temples, synagogues and related Sunday school or church facilities.

City street. A street which is owned and/or maintained by the City of Stockbridge.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) physician or dentist or a group of physicians or dentists practicing medicine.

Club. A building or facilities owned or operated by and for special educational or recreational purposes, but not primarily for a profit or to render a service that is customarily carried on for a gain.

Cluster housing. A residential development which provides for the grouping of attached and/or detached single-family dwellings on lots that may be smaller than normally permitted in a certain zoning district for purposes of preserving open space and natural features of the terrain thereby allowing public facilities and services to be provided for more economically. Development shall be limited to not more than four (4) units occupying one (1) building.

Collector. See street: collector street.

Collocation/site sharing. Collocation/site sharing shall mean use of:

(a) A common WCF by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology;

(b) A common WCF-site by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology; or

(c) The placement of a WCF on a structure owned or operated by a utility or other public entity (i.e., water tower, billboard, etc.).

Commencement of construction, for private development. Initiation of physical construction activities as authorized by a development permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means

expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Commercial vehicle. A vehicle whose gross vehicle weight rating (GVWR) is over twenty-six thousand (26,000) pounds, or a trailer with a gross vehicle weight rating of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, and earth-moving equipment. Agricultural vehicles and equipment and school buses shall be excluded from this definition.

Common area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common area may include complementary structures and improvements.

Compatibility. The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

Completion of construction. The issuance of the final certificate of occupancy by the appropriate governmental jurisdiction. The date of completion is the date on which such certificate is issued.

Comprehensive plan. The City of Stockbridge Plan or planning elements as adopted or amended in accord with the State of Georgia Minimum Standards and Procedures for Local Comprehensive Planning.

Comprehensive Planning Act. Official Code of Georgia Annotated, § 50-8-1 et seq. and the Minimum Standards and Procedures for Local Comprehensive Planning as adopted by the Georgia Board of Community Affairs.

Conditional use. A use within a certain zoning districts of this chapter which is not permitted as a matter of right, but may be permitted within these districts by the Zoning Advisory Board. A conditional use is permanent in nature.

Condemnation. The taking of private property by a government unit for public use, when the owner will not relinquish it through sale or other means; the owner is compensated by payment of market value. The power to take the property is based on the concept of eminent domain.

Condominium. The ownership in fee simple title of a single unit in a multi-unit structure and an undivided ownership interest, in common with other owners of the common elements of the structure, including the common areas of land and its appurtenances.

Confined animal feeding operation. A building or fenced enclosure designed and used for holding or fattening of animals in preparation for market. It does not include the pasturing of animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: Horses—one (1) per forty-three thousand five hundred sixty (43,560) square feet (one (1) acre); cows—one (1) per forty-three thousand five hundred sixty (43,560) square feet; sheep or goats—one (1) per twenty thousand (20,000) square feet; fowl—twenty (20) per forty-three thousand five hundred sixty (43,560) square feet.

Conical surface. The surface that extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

Conservation easement. An agreement between a land owner and The City of Stockbridge or other government agency or land trust that permanently protects open space or greenspace on the owners land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction. Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

Construction activity. Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Construction standard drawing. The construction standards manual utilized by the City of Stockbridge and related drawings for public improvements.

Consumer goods sales and service. There are three (3) types of consumer goods sales and service; they are other, durable and heavy. These types group establishments by product, characteristic and intensity. The following outlines permitted uses/businesses within each consumer goods sales and service type:

Consumer goods sales and service, other.

(1) Apparel stores.

(2) Antique and art shops, provided there is no outdoor display area.

(3) Banks, including drive-in banks, provided that both the teller's cage and vehicles awaiting service are located completely off the public right-of-way and provision is made to accommodate a minimum of five (5) waiting vehicles per service window.

(4) Bakeries, whose entire products are sold at retail on the premises.

(5) Books, stationery and card shops.

(6) Clothes cleaning agencies, pressing establishment, laundry pickup stations.

(7) Confectionery (candy) stores.

(8) Custom dress making or millinery shops.

(9) Drug stores and apothecary shops.

(10) Electrical appliance repair shops.

(11) Florist and gift shops.

(12) Gift and card shops.

(13) Hardware and appliance stores selling predominantly at retail.

(14) Jewelry stores.

(15) Laundromats.

(16) Loan offices.

(17) Music stores.

(18) Neighborhood shopping centers.

(19) News and tobacco shops.

(20) Package (beer and wine) stores.

(21) Paint and decorating stores.

(22) Photographers (including the sale of supplies and equipment).

(23) Quick copy print shops when employing not more than five (5) employees.

(24) Radio/television repair (including the sale of supplies and equipment).

(25) Shoe stores and shoe repair shops.

(26) Tailors and clothing shops.

(27) Automotive service, minor.

(28) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Durable consumer goods sales and service.

(1) Auction gallery.

(2) Automobile wash.

(3) Community and regional shopping centers.

(4) Department stores.

(5) Furniture stores.

(6) Professional type assembly and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

(7) Parking lots and structures.

(8) Printing, job, when mechanical operation is not visible from a street, and employing not more than four (4) persons.

(9) Stationery and office machines sales and service.

(10) Upholstery shops.

(11) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Heavy consumer goods sales and services.

(1) Boat sales.

(2) Automotive service, major.

(3) Feed and seed stores.

(4) Heavy equipment sales and service.

(5) Recreational vehicle sales and service.

(6) Tire retreading.

(7) Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.

(8) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Cooking facilities. Any device used in the preparation of food, including range, ovens, cook-top surface units, refrigerators, electric warming irons or hot plates, microwave ovens, coffee makers, toaster ovens, and other similar small electric appliances, freezers separate from or not included within a refrigeration unit are not included in this definition.

Cornice. The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

Corridor. A street, roadway, river or other linear element connecting major sources of trips that may contain a number of streets, highways, and transit route alignments. A corridor is also defined as all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

County. The use of the word "county" shall mean Henry County.

County street. A street which is owned and/or maintained by Henry County.

Covenant, protective. A contract entered into between private parties which constitute a restriction on the use of a particular parcel of property.

Covenant, restrictive. Private contracts entered into between the developer and purchaser(s) which constitute a restriction on the use of all private property within a development for the benefit of property owners, and provide a mutual protection against undesirable aspects of development which would tend to impair stability of values.

Critical root zone. An area on the ground around a tree that is equal to the reach of the farthest branches, containing sufficient root mass for survival.

Cross access easement. A limited right to make use of a property owned by another to gain access to another property; a right-of-way across the property.

Crosswalk. A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

Culvert. A pipe, conduit, or similar enclosed structure with appurtenant works which carries surface or stormwater under or through an embankment or fill, roadway, or pedestrian walk, or other structure.

Curb cut. The providing of vehicular ingress or egress between a property and an abutting public street.

Cupola. A roof or ceiling in the form of a dome or a small structure on a roof, sometimes made of glass and providing natural light inside.

Cut. 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 excavated surface. Also known as excavation.

Cutting (pertaining to tree protection). The detaching or separating of any limb, branch, or root from a tree.

D

Day. A calendar day, unless otherwise specifically identified as a "work" day or other designation when used in the text.

Day care facility/center for children, day care center for youth, nursery schools and kindergarten schools; and a day care center for adults. A firm, partnership, corporation, individual, or other business entity providing care for more than six (6) children or adults, not related by blood or marriage, or not the legal wards or foster children of the attendant adult or adults when conducted in a principal structure or within a church or school. Child care centers must provide at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play space is provided for each child. The outdoor play area shall be enclosed by a security chain link fence, at least four (4) feet in height. A state license and a county business license are required.

DBH—Diameter at breast height. A forestry term that takes the thickness measurement of a tree at four and one-half (4.5) feet above the ground.

Dead storage. The storage of goods not in use and not associated with any commercial or manufacturing business.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Deciduous tree. Any tree which naturally loses its leaves in the fall.

Decision date. The date upon which the director of the department or his designated representative makes the final decision on the approval or denial of a permit.

Density, gross. The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net. The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, common open space, flood hazard areas, steep slopes (grater than twenty-five (25) percent) and public land. For mixed use and interchange activity center zoning districts net density can include open space in the calculation as long as open space is used for passive recreation.

Department of Community Affairs (DCA). The Georgia Department of Community Affairs (DCA) was created in 1977 to serve as an advocate for local governments. DCA operates a host of state and federal grant programs; serves as the state's lead agency in housing finance and development; promulgates building codes to be adopted by local governments; provides comprehensive planning, technical and

research assistance to local governments; and serves as the lead agency for the state's solid waste reduction efforts.

Descendant. A person or group of persons related to a deceased human by blood or adoption in accordance with Title 19 of the Official Code of Georgia.

Detention. The temporary storage of stormwater runoff in a stormwater management facility for purposes of controlling the peak discharge.

Extended detention. The detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

Detention facility. A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer. A person or legal entity who undertakes land development activities.

Development. Any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

Development approval. Written authorization, such as issuance of a building permit, approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development impact fee. The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Development of regional impact (DRI). A development project, regardless of the mix of land uses, which is likely to have impacts to the transportation network and environment beyond the limits of the jurisdiction in which it is being constructed.

Development or single development. Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, clearing, digging, filling, dredging, excavating, grading, grubbing, mining, paving, removal of vegetation, stripping, drilling operations, storage of equipment or materials, transportation and filling of land, and any other installation of impervious cover; land development or land development project.

New development. A land development activity on a previously undeveloped site.

Post-development. The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development. The time period, or the conditions that exist on a site, prior to the commencement of land alteration, clearing, construction, or other activity that constitutes development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Development rights. A governmentally recognized entitlement to use or develop land at a certain density, or intensity, or for a particular purpose, which may be severed from the realty and placed on some other property.

Receiving area. The region or district where development rights may be affixed to property.

Receiving property. The lot or parcel where development rights are affixed, thereby increasing the permissible density or intensity of use on the property.

Sending area. The region or district where development rights may be removed for purposes of transfer to another location.

Sending property. The lot or parcel where development rights are removed, thereby eliminating permissible uses on the property.

Transfer of development rights. The process by which development rights from a sending property are affixed to one (1) or more receiving properties.

Diameter at breast height. A forestry term that takes the thickness measurement of a tree at four and one-half (4.5) feet above the ground.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage structure. A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Drive-in. A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Drive-in restaurant. Any place or premises used for sale, dispensing or servicing of food, refreshment or beverages in automobiles or other vehicles, including those establishments where customers may consume same on the premises.

Dwelling. A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

Accessory dwelling. A dwelling unit established within the principal building or in a separate structure, and on the same lot as the principal structure. It is an independent dwelling unit, but it may share an entrance, yard and parking with the principal unit.

Duplex or *two-family.* A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.

Multifamily. Three (3) or more dwelling units in one (1) building with the number of families in residence not exceeding the number of dwelling units provided.

Single-family. One (1) dwelling unit in one (1) building, other than a mobile home, hotel or motel, designed for and occupied by one (1) family, containing rooms for living, sleeping, toilet facilities and one (1) kitchen, that meets the standards set forth in section 4.01.07.

Townhouse. One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by a coincidental property line and party wall partitions. The structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Each dwelling unit must be separately metered for all utilities, have access to a public street and the coincidental property line and wall must be fire-rated and extend from the foundation or ground (whichever is lower) to the roof decking of the structure. Each dwelling unit shall contain rooms for living, sleeping, toilet facilities and one (1) kitchen.

Dwelling unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and a single kitchen with cooking facilities.

E

Easement. A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land

for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

Conservation easement. An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.

Drainage easement. An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Encumber. To legally obligate by contract or otherwise commit to use by appropriation or other official act of The City of Stockbridge, Georgia.

Enforcer. The enforcer is defined as the administrator or his designee. The person, officer, official, or his authorized representative designated by the Mayor and Council as its agent for the administration of the provisions of the ZONING CODE.

Equipment facility. An equipment facility is any structure used to contain ancillary equipment for a WCF which included cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

Erect. To build, paint, construct, attach, hang, place, suspend, assemble or affix.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan. A plan that is designed to minimize and control the accelerated soil erosion and sedimentation runoff resulting from a land disturbing activity. Also known as the "plan".

Essential public services. The components of potable water systems, sanitary sewer systems, drainage systems, gas, electricity, cable, television, telephone, and other utilities and services that deliver the service to individual properties. Included are cables, utility poles, pipes, mains, lift stations, switch boxes, culverts, and the like. Specifically excluded are high voltage towers, wireless communication towers, and electrical substations.

Evergreen tree. Any tree that retains green leaves throughout the year. This includes magnolias and tree-type hollies, as well as pines and cedars.

Excess capacity. That portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Exempt. A project which has been determined to have negligible impacts to emissions and air quality and, therefore, is not typically incorporated into travel demand modeling and emissions analyses. Typical exempt projects include bicycle and pedestrian facilities, facilities to support transit services (but not the services themselves), studies, minor intersection improvements and safety upgrades.

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years or more.

Existing construction. Any structure for which the "start of construction" commenced before June 3, 1986.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before June 3, 1986.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Extended detention. The detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

Extreme flood protection. 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.

Primary (front) facade. The exterior wall surface(s) across the building front, extending from grade to top of the parapet, wall, gable, or eaves and from side corner to side corner that are visible from any location on the street or main parking area and includes the primary entrance into the building. If the building faces more than one (1) parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

Secondary facade. Any exterior wall of a building, other than the primary facade.

Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, fraternity or sorority house.

Farm. A farm includes all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

Feepayor. That person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees required has been expressly transferred or assigned to the successor in interest.

Feedlot. Land devoted to confinement feeding of livestock. A lot or building or combination lots and buildings intended for the confined feeding, breeding, raising or holding of livestock while being fattened for slaughter and where animal waste may accumulate, but not including barns, pens or similar structures not intended for the fattening of animals for slaughter.

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade. See grade.

Firing range. A public or privately owned facility designed and operated for the purpose of discharge of rifles, shotguns and handguns at targets within a controlled setting.

Flag lot. See "lot" definition.

Flood (or *flooding).* A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Flood hazard area. The area possibly threatened by periodic flooding as determined by various data, e.g., maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a one-hundred-year return frequency.

Flood hazard boundary map or *FHBM.* An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map or *FIRM.* The official map of The City of Stockbridge, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones

applicable to the community. Such FIRM as relates to property located within The City of Stockbridge is incorporated by this reference as if fully set forth herein.

Flood insurance study or *FIS.* The official report, prepared and issued by the Federal Insurance Administration of the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood, which FIS is incorporated by this reference as if fully set forth herein.

Floodplain. Any land area susceptible to flooding with at least a one-percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Floodproofing. 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 *egulatory floodway.* The channel of a stream, river or other watercourse and the adjacent land areas of the floodplain which is necessary to contain and discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of the outside walls, but excluding any attic, unfinished basement area, breezeway, cellar, porch, or verandah.

Frontage or *road frontage.* The distance measured along a public street right-of-way, or the main street property line of a lot.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Functional street classification. Streets provide two (2) distinct functions: Mobility (through movement) and access to land. Functional classification is a hierarchical ranking based on the degree of mobility and access that a street provides. Streets are generally classified as arterials, collectors and local streets. See streets.

Future conditions flood. The flood having a one-percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation. The flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions floodplain. Any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology. 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. A structure, lot or any portion thereof which is open to the public in which one (1) or more vehicles are housed or kept, not including exhibition, show rooms, storage of cars or cars for sale.

Garage, repair. A building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

Genealogist. A person who traces or studies the descent of persons or families and prepares a probative record of such descent.

Grade. The lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Highest adjacent grade. The highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

Grade (roadway). The slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a two-percent grade represents two (2) feet of elevation change over a one hundred-foot distance.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Greenspace (or *open space).* Any area protected as permanently vegetated land.

Ground coverage. The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Group home. A residence where two (2) or more unrelated persons live that is under the supervision of a resident manager. Group homes are established to assist persons who have left highly structured institutions such as a hospital or prison, to adjust to and reenter society and live within its accepted norms. The purpose of a group home is to allow people to begin the process of reintegration with society, while still providing monitoring and support. Group homes shall not provide treatment of drug or alcohol dependency, or provide an alternative to incarceration.

H

Hardship. The presence of some unique or rare condition of land, different in type and extent from other land in the same location or in the same zoning district.

Hazardous material. Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous waste. Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 as hereafter amended and any designated hazardous waste. Also any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Health and personal services. Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Height. The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof on a building. When referring to a tower, sign or other structure, the distance measured from ground level to the highest point on the tower, sign or other structure, even if said highest point is an antenna. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Heliport. A designated area for landing and takeoff of rotorcraft.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic district. A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A historic district shall further mean an area designated by the Mayor and Council as a historic district pursuant to the criteria established in section 10.05.04 of this ZONING CODE.

Historic structure. Any structure that meets one (1) or more of the following conditions:

(1) Listed individually in the National Register of Historical Places (as maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible under the state historic preservation program which has been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible under the local historic preservation program which has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in the event the state has no approved program.

Home occupation. An occupation for gain or support conducted on the premises or within a dwelling unit by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

Hospice care facility. Hospice care provides humane and compassionate care for people in the last phases of incurable disease so that they may live as fully and comfortably as possible. Hospice is to enable patients to continue an alert, pain-free life and to manage other symptoms so that their last days may be spent with dignity and quality, surrounded by their loved ones. Hospice affirms life and does not hasten or postpone death. Hospice care treats the person rather than the disease; it focuses on quality rather than length of life. It provides family-centered care; care is provided for the patient and family twenty-four (24) hours a day, seven (7) days a week. Hospice care can be given in the patient's home, a hospital, nursing home, or private hospice facility.

Hospital. An institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of mental patients, alcoholics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Hotel. A building in which lodging, generally without in-room cooking facilities, is provided for guests. The term "hotel" includes the terms "motel", "extended stay" hotel or motel and "tourist court".

Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Human remains. The bodies of deceased human beings in any state of decomposition, including cremated remains.

Hydrologic soil group (HSG). A Natural Resource Conservation Service classification system in which soils are categorized into four (4) runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

I

Illicit discharge. Any direct or indirect nonstormwater discharge to Stockbridge's storm sewer system, except as otherwise exempted by law.

Illegal connection. Either of the following:

(a) 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 nonstormwater 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

(b) Any pipe, open channel, drain or conveyance connected to Stockbridge's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious surface (or impervious cover). Any manmade paved, hardened or structural surface composed of any material that significantly impedes or prevents the natural infiltration of water or stormwater into the ground below the structure or surface into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, swimming pools and any concrete or asphalt surface.

Improvements. Physical changes to the land which are necessary to create useable lots including (but not limited to) grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and stormwater drainage and detention systems.

Individual assessment determination. A finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

Individual assessment study. The engineering, financial, or economic documentation prepared by a feepayor or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Indoor play space. Play space required inside the principal structure of child care centers set aside for children's recreation and play. The area provided must be at least thirty-five (35) square feet of indoor play space for each child.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrialized building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Georgia Law 1981 pp 1637—1643 (O.C.G.A., § 8-2-2(1)).

Industrial stormwater permit. A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Inert construction waste. Waste building materials and other waste resulting from the construction, remodeling or repair of houses, buildings and other structures which will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes all waste not specifically listed above.

Infill. Development of vacant or remnant lands passed over by previous development in the area.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Infrastructure. Manmade structures and systems which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Inoperable vehicle. Any motorized vehicle incapable of immediately being driven.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Institutional use. Activities for civic, cultural, educational, social, or governmental purposes.

Interparcel connection. A vehicular and pedestrian road, street or lane connecting segment and or sidewalk access for public use to gain access to adjacent residential subdivisions, commercial, industrial and mixed use subdivisions and establishments where access to contiguous properties would otherwise require vehicle trips on frontage roads for access.

Interior landscape area. An area to be landscaped which is located in the interior area of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.

J

Junk/salvage yard. Any use on public streets or private property involving the parking, storage or disassembly of vehicles and/or machinery; the storage, sale or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and other old household appliances; used brick, wood, or other building/structural materials, used paper, rags or other scrap materials. These uses shall be considered junk yards whether or not all or part of these operations are conducted inside a building or in conjunction with, or accessory to other uses of the premises.

Junked vehicle. Any wrecked nonoperable, dismantled automobile, truck or other vehicle which does not bear a current state license plate.

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for a life in saturated soil conditions, commonly known as hydrophytic vegetation.

K

Kennel. The following shall constitute a kennel:

(1) *Commercial kennel:* Any location which provides boarding and care for dogs, cats, or other small animals for pecuniary gain.

(2) *Noncommercial kennel:* Any single-family residence in the RA zoning district where no more than ten (10) adult dogs and/or cats are kept as pets for the noncommercial purpose of hunting, exhibition in shows, field trials or breeding. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

Kindergarten. A state-approved institution for the education of pre-school aged children.

Kitchen. A room or interior area equipped for preparing and cooking food.

L

L_{dn} noise contour. A line linking together a series of points of equal cumulative noise exposure, based upon airport flight patterns, number of daily operations by type of aircraft, and typical runway utilization patterns.

Land development. See development.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development project. A discrete land development undertaking.

Land disturbance. Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting, and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

Landscape plan. A detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval when required by the ZONING CODE.

Large quantity generator of hazardous waste. Any person, corporation, partnership, association or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended and that is regulated by the State of Georgia under that section.

Larger common plan of development or sale. 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 marking, indicating that construction activities may occur on a specific plot.

Level of service. A measure of the relationship between service capacity and service demand for specified public facilities as established by The City of Stockbridge, Georgia in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities or both.

Litter. Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such terms defined on O.C.G.A., § 16-7-51(6).

Loading space, off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A § 12-7-8(a).

Lodge. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues-paying members and their guests. There are no sleeping facilities.

Lot. A portion or parcel of land separated from other portions or parcels by description, such as on a subdivision plat, survey map, or metes and bounds.

Corner lot. A lot abutting two (2) or more streets at their intersection, or bounded on two (2) or more adjacent sides by street right-of-way lines.

Double frontage lot (through lot). A lot, other than a corner lot, that has frontage upon two (2) or more streets that do not intersect at a point abutting the property.

Flag lot. A lot with uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure.

Interior. A lot other than a corner lot or a through lot.

Lot depth. The average horizontal distance between the front and rear lot lines. (Lot definitions are illustrated in figure A.1.)

Lot line (property line). The property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

Lot width. The horizontal distance between the side lot lines measured along the street right-of-way lines.

Lot of record. An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of Henry County, Georgia, or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of Henry County.

Lowest floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

M

Manufactured home. A structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Manufactured homes are built or fabricated in an offsite facility on or after June 15, 1976 and installed or assembled on the home site. They must meet U.S. Department of Housing and Urban Development (HUD) construction requirements. Manufactured homes may be single- or multi-section and are transported to the site and installed with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Major recreational equipment. Are boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwelling, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Master development plan. A written and graphic submission for a mixed-use development which represents a tract of land, proposed subdivision, the location and bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the MU zoning district.

Material change in appearance. 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:

(a) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(b) Demolition or relocation of a historic structure;

(c) Commencement of excavation for construction purposes;

(d) A change in signage visible from the public right-of-way; or

(e) The erection, alteration, restoration or removal or any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ZONING CODE, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Mini-warehouse. A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mixed use (development). A development project that incorporates two (2) or more different types of land uses or activities, such as residential, commercial, office, and/or industrial. A mixed-use development has the different types of land uses in proximity, vertically or horizontally, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mobile food services, portable restaurants, temporary outdoor and sales, and sidewalk sales. Any temporary business selling goods or merchandise from a tent, truck, vending cart or other areas outside of a permanent structure on property owned or leased by the business. Temporary outdoor sales do not include sales conducted by charitable organizations incidental to the principal or permitted use or structure on the property.

Mobile home. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. Documentation of compliance with the National Mobile Home Construction and Safety Standard Act (United States Department of Housing and Urban Development certification) shall be required.

Mobile home community. A mobile home development with continuing local general management and with special facilities for common use by the occupants, including such items as common recreational building and areas, common open space, laundries and the like.

Mobile home development. A mobile home development included mobile home parks, mobile home subdivisions and mobile home condominiums.

Mobile home park. A parcel of land that has been planned and improved for the placement of mobile homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of mobile homes on such premises. A mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

Mobile home or manufactured home subdivision. A tract of land that is used, designated, maintained or held out for sale of lots to accommodate mobile homes or manufactured housing. A mobile home or manufactured home subdivision shall meet the requirements of the zoning district in which it is located.

Motel. An establishment where lodging without separate cooking facilities are provided to the public for compensation, in which ingress or egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby. Includes a building or group of buildings intended for short-term use by transients or the travelers, and containing sleeping accommodations with sanitary facilities. Other synonymous terms include hotel, tourist court, motor court, motor inn, or motor lodge.

Extended stay motel or hotel. A motel providing sleeping accommodations, sanitary facilities, and kitchen facilities, intended for overnight or weekly use.

Move in house or structure. Pre-existing dwelling or structure relocated to another lot or on the same lot.

N

National Geodetic Vertical Datum. As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the

discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural area. An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

Natural vegetated area. An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include, but are not limited to: Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife; outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting; education, scientific research and nature trails; maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized; and limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

Net acreage. The total acreage of any parcel or combined parcels of land to be developed as a single project, less the sum of the following: total number of acres contained in the 100-year flood hazard area, total number of acres contained in rights-of-ways and the total number of acres contained in detention or retention ponds to be constructed.

Net density. See density (net density).

New development. See development.

New construction. Any structure (see definition) for which the "start of construction" commenced after August 6, 1979, and includes any subsequent improvements to the structure.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 6, 1982.

Noncombustible material. Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) and will not continue to burn or glow at that temperature.

Nonconformity or *nonconforming use.* A land use activity, building or structure legally established prior to adoption of this ZONING CODE, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section.

Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant 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 and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollutions a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice (nonstructural practice). Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and

includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations within the floodplain.

Nursery school, kindergarten schools. See day care definition.

Nursing home. A use in which domiciliary care is provided to one (1) or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

O

Object. 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.

Off-site facility. A stormwater management facility located outside the boundaries of the site.

On-site facility. A stormwater management facility located within the boundaries of the site.

Open space. Permanently protected areas that are preserved in a natural state and. undisturbed lands or otherwise properties set aside for recreational uses, buffers, common areas, landscape areas, as well as other uses defined under the "open space categories" described below. Buffers and wetlands, if located on lots to be conveyed to private property owners, shall not be considered as "open space." Land contained within the 100-year flood zone shall not be considered as "open space" if located on lots that are to be conveyed to private property owners. Land designated as "open space" is divided into five (5) categories (the "open space categories" or, singularly, an "open space category"):

- Category A wetland stream buffers; 100-year flood hazard areas, undisturbed buffers between various land uses, roadside buffers, wildlife sanctuaries, and other forms of buffers, if owned by the developer or a property owners association;

- Category B improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;

- Category C improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;

- Category D state waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and

- Category E land donated to a governmental entity for public use, provided such land is not located in a wetland or 100-year flood zone.

In order to calculate the total "open space," the total acreage contained within each open space category is multiplied by its respective factor, as set forth below:

- Category A factor = 1.0

- Category B factor = 0.7

- Category C factor = 0.2

- Category D factor = 0.5

- Category E factor = 2.0.

Open space, public. Land dedicated or reserved for use by the general public. It includes parks, recreation facilities, school sites, community or public building sites and similar spaces for public use.

Operator. The party or parties that have:

(a) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(b) Day-to day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site of other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

Orphanage. An institution devoted to the care of children whose parents are deceased or otherwise unable to care for them. Parents, and sometimes grandparents, are legally responsible for supporting children, but in the absence of these or other relatives willing to care for the children, they become a ward of the state, and orphanages are a way of providing for their care and housing.

Outdoor play area. An area outside the principal structure designed and set aside for recreation and play in the open air and sunshine and may contain some play equipment. See child care center definition.

Outside storage. The placement or containment of goods, materials, or equipment other than within a building, for purposes of keeping such goods, materials, or equipment for processing, use, sale, or transfer to other locations.

Overbank flood protection. 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), and that are intended to protect downstream properties from flooding for the two-year through twenty-five-year frequency storm events.

Overhang. The edge of a roof that projects out over the space or wall beneath.

Overlay zoning district or *overlay district.* A defined geographic area that encompasses one (1) or more underlying zoning districts and that superimposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or containing only parts of one (1) or more such districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district where that use is expanded or enlarged after the adoption of this ZONING CODE.

Owner. The legal or beneficial owner of a site including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

P

Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Parking space, off-street. An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, design standards for which are contained in the ZONING CODE.

Patio cover. An attached structure with open, screened or glazed walls which is used only for recreational, outdoor living purposes associated with the dwelling unit and not as carports, garages, storage rooms or habitable rooms.

Pavement width. The cross section width of a paved road measured from edges of pavement.

Perennial stream. Any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) 7-minute Topographic Series Maps (1:24,000).

Perimeter landscape area. An area to be landscaped which is located between the buffer area required by the ZONING CODE and the interior landscape area, as defined in the ZONING CODE.

Permit. The authorization, issued by The City of Stockbridge to the applicant that is necessary to conduct the activity that was applied for and approved.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Personal care home. A personal care home is a single home where personal care services are provided to no more than six (6) nonfamily adults. Personal care services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. A care home cannot provide nursing or other medical services or admit and retain residents who need continuous medical or nursing care (see O.C.G.A. § 31-7-12 for state requirements for personal care homes). The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

Pet. A tame animal kept for companionship or pleasure. In all residential zoning districts the maximum number of pets allowed per residence is four (4).

Planned development. Development which has both residential and nonresidential land uses according to a master development plan, with related covenants and restrictions. Developments within a PD 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.

Planning and zoning department. The professional planning staff of The City of Stockbridge, Georgia, responsible for administering the zoning ordinance, subdivision regulations and comprehensive land use plan.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter or any kind.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Portico or *porch.* A covered entrance to a large building or a covered walkway, often leading to the main entrance of a building that consists of a roof supported by pillars.

Post-development. Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development. Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Present value. The current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

Preserve and protect. To keep from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

Primary surface. An area longitudinally centered on a runway extending two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal building. The building or structure containing or to contain the principal use of a lot.

Principal permitted use. That use of a lot which is among the uses allowed as a matter of right under the zoning classifications. (Also see WCF principal or accessory use.)

Private deed restrictions or covenants. Private deed restrictions or covenants imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent owners. They are enforceable only by the land owners involved and not by the county or other public agency.

Project. A single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements. Site specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by The City of Stockbridge, Georgia, shall be considered a project improvement.

Property line. See lot line.

Property owner. That person or entity that holds legal title to property.

Proportionate share. That portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Protection area or *stream protection area.* With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Public or private property. The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Public facilities or *public spaces* means:

(a) Parks, open space, and recreation areas and related facilities; and

(b) Public safety facilities, including police, inmate housing, fire, animal control, emergency medical, and rescue facilities;

(c) Libraries and related facilities; and

(d) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of state or federal highways.

Public streets. Right-of-way dedicated to the county or owned by the county for public street purpose.

Public utility. Firm, corporation, or local government authorities providing gas, electricity, communications service, and similar essential services.

Public water facilities. Mains and service lines owned and operated by the City of Stockbridge, the Henry County Water and Sewage Authority, or when approved by the Mayor and Council, a private water system operating under the direct supervision of the DNR.

Q

Qualified personnel. Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Quarters. A place of residence.

r

Reservoir boundary. The edge of a reservoir, defined by its normal pool level (elevation above mean sea level).

Recreational vehicle. A vehicular-type portable structure:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled, driven or hauled, or permanently towable by light duty truck; and

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Examples of recreational vehicles include travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional development centers (RDC). State of Georgia regional agencies created to facilitate coordinated and comprehensive planning in conformity with state standards and procedures.

Regional stormwater management facility (regional facility). Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirements for on-site controls is either eliminated or reduced.

Regulatory flood (regulatory flood elevation). The flood standard equal to or higher than the base flood.

Residence. A home, abode, or place where an individual is actually living on a nontemporary basis.

Residential fly-in neighborhood. A subdivision designed to include a private airport or landing strip.

Right-of-way. Access over or across a particularly described property for a specific purpose. A strip of land intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, storm sewer, drainage structure, sewer line, or other similar use.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Road frontage. See frontage.

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rotorcraft. A heavier-than-air aircraft that derives its support in flight principally from lift generated by one (1) or more rotors.

Runoff. Stormwater runoff.

Runway. A defined area at the airport prepared for landing and takeoff of aircraft along its length.

Runway protection zone. A trapezoidal shaped, two-dimensional area located near each planned runway end.

S

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Self-service storage facility. A fully enclosed facility containing independent bays and/or self contained units which are leased to or owned by individuals exclusively for dead storage of goods or personal property.

Service area. A geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

Setback. The horizontal distance between a building or building line and a property line or a buffer line in which a structure cannot be erected or, with respect to a stream, the area established by the ZONING CODE extending beyond any buffer applicable to the stream. (Setbacks are illustrated in figure A.2.)

Sewer line, lateral. Sanitary sewer collection lines within a subdivision or development that transports effluent to larger trunk sewers for sewage treatment.

Sewer line, trunk. Main sanitary sewer lines which collect sewage from lateral sewer lines for transportation either directly to sewage treatment plants or to larger interceptor sewers entering a treatment plant.

Shopping center. A group of commercial establishments having a building composition that is a single architectural unit and is not a miscellaneous assemblage of stores. It is planned and developed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides on-site parking in definite relationship to the types and sizes of stores. Shopping centers are classified by type, each distinctive in its own function:

Neighborhood shopping center. Provides for the sale of convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day-to-day living needs of the immediate neighborhood. It is generally built around a supermarket which is the major tenant. Neighborhood shopping centers may have an average gross leasable area (GLA) close to fifty thousand (50,000) square feet and range between thirty thousand (30,000) square feet and one hundred thousand (100,000) square feet in GLA. Typically, the lot size for a neighborhood shopping center is between four (4) and ten (10) acres, with a trade area population of five thousand (5,000) to forty thousand (40,000) people.

Community shopping center. Provides for the sale of a wide range of durable goods and other types of merchandise in addition to convenience goods and personal services found in a neighborhood shopping center and typically has a junior department store or specialty store as the major tenant. Community shopping centers may have an average GLA close to one hundred fifty thousand (150,000) square feet and range between one hundred thousand (100,000) square feet and three hundred thousand (300,000) square feet GLA. Typically, the lot size for a community shopping center is between ten (10) and thirty (30) or more acres, with a trade area population of forty thousand (40,000) to one hundred fifty thousand (150,000) people.

Regional shopping center. Provides for the sale of a wide range and variety of general merchandise, apparel, furniture, furnishings, novelties, personalized services and amusements in addition to those items found in neighborhood and community shopping centers. Typically, there are several major tenants which include nationally known department stores and grocery stores. Regional shopping centers may have an average GLA close to four hundred thousand (400,000) square feet and range between three hundred thousand (300,000) square feet and one million (1,000,000) square

feet GLA. Typically, the lot size for a regional shopping center is thirty (30) to fifty (50) or more acres, with a trade area population in excess of one hundred fifty thousand (150,000) people.

Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing different elements that are organized, related, and composed to form a unit shall be considered to be one (1) sign. Where different elements are displayed in a random manner without an organized relationship to each other, or where there is reasonable doubt as to the relationship of different elements to each other, each element shall be considered to be a single separate sign.

Aerial view sign. Any sign which is designed primarily to be viewed from the sky from an airplane, helicopter, etc. This includes, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.

Aggregate signable area. The sum total of the signable area of any and all signs, for a given lot. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate signable area.

Animated sign. See flashing sign.

Awning sign. Any sign on a cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure.

Back-to-back sign. A sign with two (2) parallel sign faces oriented in opposite directions.

Banner sign. See temporary sign.

Beacon. See temporary sign.

Bench sign. See ground sign.

Billboard. An outdoor advertising sign, typically drawing attention to activities on premises other than the sign location.

Blade sign. See projecting sign or swinging sign.

Bracket sign. See projecting sign or swinging sign.

Canopy sign. See wall sign.

Changeable copy sign. See flashing sign.

Decal. A picture, design or label made to be transferred (as to glass, wood, metal or any other hard object) from specially prepared paper.

Detached sign. See ground sign.

Door sign. See wall sign or window sign.

Entrance sign. Any sign placed at the intersection of a public street and a public or private entryway into an apartment complex, condominium complex, office complex, industrial complex or other building or buildings with multifamily residential dwelling units or multiple commercial units.

Externally illuminated signs. Any sign illuminated by an external light source directed primarily toward such sign.

Fascia sign. See wall sign.

Flag. A usually rectangular piece of fabric of distinctive design that is used as a symbol as of a nation, as a signaling device or as a decoration.

Flashing sign. Any sign whose message or appearance scrolls, flashes, rotates or changes, or whose illumination changes in intensity more often than once every fifteen (15) seconds, including, but not limited to, reader boards.

Flat sign. See wall sign.

Ground sign. Any sign supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building.

Hand-held signs. Any sign larger than six (6) inches by six (6) inches carried by a human appendage or prosthesis including, but not limited to, picket signs, shields or sandwich boards.

Height, sign. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Internally illuminated signs. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

Mansard sign. See roof sign or wall sign.

Marquee sign. See flashing sign.

Mobile sign. See temporary sign.

Monument sign. See ground sign.

Moving sign. See flashing sign.

Multiple message sign. See flashing sign.

Nonconforming sign. Any sign which does not conform to the provisions of this ZONING CODE at the date of adoption of same.

Painted wall sign. See wall sign.

Parapet sign. See wall sign.

Pennant. See temporary sign.

Pitched roof sign. See roof sign.

Pole sign. See ground sign.

Portable sign. See temporary sign.

Projecting sign. Any sign which is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

Pylon sign. See ground sign.

Readerboard. See flashing sign.

Reflectors. Any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

Revolving sign. See flashing sign.

Roof sign. A sign which is attached to a building or structure and is displayed above the lowest horizontal line of a building's roof.

Rotating sign. See flashing sign.

Sandwich sign. See temporary sign or hand-held sign.

Searchlight. See temporary sign.

Shingle sign. See projecting sign or swinging sign.

Sidewalk sign. See temporary sign.

Sign face. See signable area.

Signable area. The total area upon which a message is displayed on any sign. For double-face signs, the side with the largest signable area shall be used in computing signable area. If the two (2)

faces of a double-face sign are of unequal area, the signable area shall be the area of the larger face. For wall signs consisting entirely of products shaped in the form of letters or other figures attached directly to a wall or roof, the signable area shall consist of the net geometric area measured by the smallest possible single square or rectangle enclosing the display surface of the sign including the outer extremities of all letters, characters and delineations.

Site. The parcel of land being developed, or the portion thereof on which the land development project is located.

Stake sign. Any temporary sign supported by at least one (1) upright placed into the ground, and not supported by or suspended from any building with signable area not greater than eight (8) square feet.

Stockbridge's separate storm sewer system. Any facility designed or used for collecting and/or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, Stockbridge 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:

(a) Owned or maintained by the City of Stockbridge;

(b) Not a combined sewer; and

(c) Not a part of a publicly-owned treatment works.

Streamer. See temporary sign.

Subdivision internal sign. Any sign placed at the intersection of two (2) public roads inside a residential subdivision.

Subdivision sign. Any sign placed at the intersection of two (2) public roads where one (1) of the roads is the main thoroughfare into and out of a single-family residential subdivision.

Suspended sign. See projecting sign or swinging sign.

Swinging sign. Any sign which is mounted such that the sign may freely move back and forth.

Temporary sign. Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one (1) location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure. These signs include, but are not limited to:

(1) Sky lights;

(2) Balloons;

(3) Streamers;

(4) Flag strings;

(5) Inflatable displays;

(6) Banners;

(7) Beacons;

(8) Searchlights;

(9) Pennants; and

(10) Mechanical or animated figures.

V-formation sign. A sign with two (2) sign faces, forming the shape of the letter "V" when viewed from above, with an angle between the two (2) faces of not more than sixty (60) degrees.

Wall sign. Any sign which is attached parallel to or painted on an exterior building wall, which may include a door.

Window sign. Any sign displayed to an outside observer on or through a window or covering a window, which may include a door.

Site. The parcel of land being developed, or the portion thereof on which the land development project is located.

Special event. A gathering or event for which the promoter or other person, firm, or corporation holding or producing the event must obtain a permit.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Henry County Soil and Water Conservation District.

Solid waste management facilities. Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating, or disposal of garbage, sewage, rubbish, offal, oil field wastes, hazardous waste, or other waste material originating on or off the premises.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stable, private. A stable with a capacity of not more that four (4) horses, mules or other draught animals.

Stable, public. A stable other than a private stable with a capacity of more than four (4) horses, mules or other draught animals.

Start of construction. The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days after the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State general permit. The National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except any project involving less than one (1) acre of disturbed area and as may be defined in O.C.G.A. § 12-7-17(7).

Store front. The primary facade of a single, undivided unit.

Stormwater better site design. Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management.

Stormwater better site design includes conserving and protecting natural areas and green space, reducing impervious cover and using natural features for stormwater management.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility. Any infrastructure that controls or conveys stormwater runoff.

Off-site facility. A stormwater management facility located outside the boundaries of the property being developed.

On-site facility. A stormwater management facility located within the boundaries of the property being developed.

Regional stormwater management facility. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Stormwater management measure. Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan. A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

Stormwater management system. The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit. A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Structural stormwater control. 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 of such runoff.

Stormwater runoff or *stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stream. Any stream, beginning at:

(1) The location of a spring, seep, or underground outflow that sustains streamflow; 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 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. The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Stream protection area. See protection area.

Street. The land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures, and other areas within the right-of-way lines. (Types of streets are illustrated in figure A.3.)

Alley. A strip of land providing vehicular and pedestrian access to the rear of properties which abut and are served by a public street.

Boulevard. A street developed with two (2) one-way pavements separated by a landscaped median.

Collector street. A public street whose function is to collect traffic from local streets and neighborhoods and connects to another public street of equal or greater classification. A collector may also provide direct access to adjacent properties.

Cul-de-sac. A dead-end local street, of limited length, opened at one (1) end and closed at the other by a permanent turnaround.

Dead-end street. A local street open at one (1) end and closed at the other.

Expressway. The expressway system includes high volume limited access thoroughfares through the county and region beyond.

Frontage road. A street which is parallel to, and adjacent to major thoroughfare and which provides access to abutting properties and protection from through traffic.

Local street. A public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.

Major arterial. A public street whose primary function is to connect two (2) highways of equal or greater classification or capacity, provide primary access to a large land area, provide access to a large traffic generator, or connect two (2) or more towns or communities. The secondary function is to provide local access.

Minor arterial. A public street that serves an intermediate function between collectors and major arterials, and also serves as a traffic feeder to major arterials and for cross-country and regional travel.

Stub street. A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

Structural erosion and sedimentation control practices. 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, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural stormwater control. 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 of such runoff.

Structure. Anything constructed or erected with a fixed location principally above or on the ground or attached to something having a fixed location on the ground including a walled and roofed building, manufactured home, or gas or liquid storage tank.

Structure, principal. The building or structure in which the primary use permissible on the lot is conducted. In RA (less than two (2) acres or a platted subdivision), R-1, R-2, R-3, R-4, R-5, RD, RM, RS and RMH 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.

Structure, accessory or *accessory use.* A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

Subdivision. The division of a parcel or tract of land into more than one (1) or more lots or building sites for the purpose, whether immediately or in the future, of sale, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Business subdivision. A single parcel on which multiple businesses are located, or multiple connected parcels on which businesses are located and where the owners of the parcel share any common property.

Lot division. The division of a tract or parcel of land resulting in one (1) or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and does not create 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.

Submission date. The date stamped on a sign application indicating the date the application was actually received by the department.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building means:

(1) The appraised value of the structure prior to the start of the initial repair or improvement, or

(2) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the development director, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Support structure (for a WCF "tower"). 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.

Surface water. Includes any river, creek, stream, or body of water that is not manmade.

System improvement costs. Costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to three (3) percent of the total of all other costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements. Capital improvements that are public facilities designed to provide service to more than one (1) project or to the community at large, in contrast to "project" improvements.

Telecommunications. The transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Temporary wireless communication facility (temporary WCF). Temporary wireless communication facility shall mean a WCF to be placed in use for ninety (90) or fewer days.

Transitional surface. An area extending outward and upward at right angles to the runway centerline, extended at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces.

Transportation facility. The means by which a transportation mode is provided. For example, sidewalks are a facility serving the walking mode, a roadway is a facility serving the driving mode and a heavy rail line is a facility serving the transit mode.

Tree. Any living, self-supporting, woody perennial plant which has a trunk DBH of one and one-half (1½) inches and which normally attains a height of at least twelve (12) feet at maturity, usually with one (1) main stem or trunk and many branches.

Tree diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh).

Tourist home. A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Tower (support structure). Any structure designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy tower, or monopole towers. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, PCS service towers, cellular telephone towers, alternative tower structures, and the like.

Monopole tower. A cylindrical self-supporting communications tower constructed as a single spire.

Stealth tower/facility. Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles and structures designed to resemble natural features such as trees and rock outcroppings.

Tower (WCF). See support structure.

Townhouse, fee simple. See dwelling.

Toxic. Any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States, Environmental Protection Department of the State of Georgia, or the Department of Agriculture of the State of Georgia.

Trailer (motor home). A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than for wheels or jacks.

Trailer (travel). A nonmotorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Trailer park. A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

Transportation. The movement of people and goods from one place to another.

Director of transportation planning. The director of transportation planning [or county engineer], or his or her designee.

Horizon year. The horizon year shall be twenty (20) years into the future from the year during which a traffic impact study is being prepared, unless otherwise specified or approved by the director of transportation planning.

Internal trips. Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode, such as walking.

Level of service (LOS). A quantitative and qualitative measure of how well traffic flows on a given street or highway. Level of service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow. Level of service is typically summarized by letter grades described as follows:

Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.

Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.

Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.

Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.

Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E" the traffic is unstable and short stoppage may occur.

Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

New trips. Total vehicle trips, minus pass-by trips, minus internal trips, if applicable.

Pass-by trips. Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

Peak hour. From 7:00 a.m. to 8:00 a.m., or 8:00 a.m. to 9:00 a.m. or the highest four (4) fifteen-minute increments within such time period for the a.m. peak hour; 4:00 p.m. to 5:00 p.m., 5:00 p.m. to 6:00 p.m. or the highest four (4) fifteen-minute increments within such a time period for the p.m. peak hour.

Peak-hour trip generation study. A study by a qualified professional of one (1) or more actual developments of similar land use and development characteristics which provides empirical data on the actual number of trips entering and exiting said development(s) during the a.m. and p.m. peak hour. A peak-hour trip generation study shall consist of a.m. and p.m. peak hour traffic counts by direction (entering and exiting) on at least three (3) separate weekdays if the study is based on only one (1) similar development, or at least one (1) a.m. and p.m. traffic count for three (3) different actual developments. The results of actual traffic counts from peak-hour trip generation studies may be adjusted to discount pass-by trips as provided in this ordinance.

Professionally accepted. Published by the Institute of Transportation Engineers, or prepared by a qualified professional under work supervised by the county, or prepared by a qualified professional and accepted by the director of transportation planning.

Qualified professional. For purposes of conducting traffic impact studies as may be required by this ordinance, a qualified professional shall mean a registered professional engineer with experience in traffic engineering. For purposes of conducting peak-hour trip generation studies, a qualified professional shall mean a registered professional engineer with experience in traffic engineering, or another professional approved by the director of transportation planning based on education and experience to conduct such trip generation studies.

System improvements. Improvements that are public facilities designed to provide service to more than one (1) project or to the community at large, in contrast to "project" improvements.

Project improvements. Site specific improvements 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.

Traffic impact study. A traffic impact study (TIS) is an important tool in the overall development planning process (residential, commercial, industrial, institutional, etc.). It provides information which identifies impacts of proposed developments on the existing, short range and long range roadway/circulation networks. It also identifies mitigation measures for the impacts identified. Traffic impact studies shall be conducted by a qualified professional.

Trip. A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

Trip generation. An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. Trip generation may be expressed on an average daily basis or average peak hour (a.m., p.m. or both).

U

Understory tree (also medium or small tree). A class of trees and large shrubs that do not attain the height of a canopy or shade tree, yet are large enough at maturity to provide shade for people, as well as many of the benefits of larger shade trees. Examples include Dogwood, Red Bud, Crabapple, Crepe Myrtle, Wax Myrtle, Ornamental Cherry, Hawthorne, and tree-type type hollies.

Undisturbed buffer. A buffer, either impervious or vegetated, in which no encroachment of buildings or structures is permitted.

Unit of development. The standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unused or excess impact fee. Any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to requirements.

Use. The purpose or activity for which land or buildings are designed, arranged, intended, or occupied and maintained or leased.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads.

V

Variance. A grant of relief from the site design requirements of the ZONING CODE related to dimensional standards for lots, building placement, building height, and parking spaces.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;

(2) Temporary seeding, producing 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. A vehicle which does not bear a current state license plate, unless said vehicle is stored within a completely enclosed building or it is stored on a bona fide sales lot and is in satisfactory operating condition.

Vehicle use area. Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management or development regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

W

Waiver. See administrative waiver.

Wastewater system. Collection, transportation and treatment of sanitary sewerage, via a pipe network, to a common collection point as required by the department of natural resources for the State of Georgia.

Stub-out service. Sanitary sewer connection facilities within the street right-of-way provided from lateral sewer line to the private property line for connection to building sewer lines.

Water quality critical area. The water quality critical area is defined as follows:

(a) All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or five hundred (500) feet whichever is shorter; and

(b) All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or five hundred (500) feet, whichever is shorter.

Water supply watershed. The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir or a proposed public drinking water intake or water supply reservoir.

Watercourse. Any natural or artificial 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 including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. The land area that drains into a particular stream.

WCF principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an existing antenna array or tower on such lot. For purposes or determining whether the installation of an antenna or tower complies with district development regulation, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wireless communications. Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services, including cellular, digital communications (DCS), personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio and television communications, and similar services that currently exist or that may in the future be developed.

Wireless telecommunications facility. A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, new and existing antenna support structures, replacement antenna support structures, collocations on existing antenna support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities.

Abandonment. The intent to abandon or discontinue operations as evidenced by voluntary conduct or failure to use a wireless telecommunications facility for a period of six (6) months or more.

Above ground level (AGL). A measurement of height from the natural grade of a site to the highest point of a structure.

Accessory facility or structure. Any equipment serving or being used in conjunction with a telecommunications facility or support structure and located on the same property or lot as the WTF. 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.

Administrative approval. Zoning approval that the director of the planning and zoning department, or his designee, is authorized to grant after administrative review.

Antenna. Any apparatus designed for transmitting and/or receiving electromagnetic waves or radio frequency or other wireless signals. Such antenna shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications services, microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the county's siting, building and permitting authority.

Attached wireless telecommunications facility. An antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Collocation. Where two (2) or more wireless personal service providers place a wireless telecommunications antenna on the same support structure without increasing the height of the tower or structure. Collocation also means locating telecommunications facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

Coverage. The geographic area reached by an individual wireless telecommunications facility installation.

Geographic search area (GSA). An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Major modifications. The addition, removal or change of any of the physical and visually discernable components or aspects of an existing telecommunications facility or support structure that result in a substantial change to the facility or structure. Collocation of new telecommunications facilities to an existing support structure without replacement of the structure shall not constitute a major modification. "Major modifications" include, but are not limited to, extending the height of the support structure by more than twenty (20) feet or the replacement of the structure.

Minor modifications. The addition, removal or change of any of the physical and visually discernable components or aspects of an existing telecommunications facilities or support structures, that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a "substantial" change. Such minor modifications include, but are not limited to, collocations of new telecommunications facilities, extending the height of the support structure by less than twenty (20) feet, and the expansion of the compound area for additional accessory equipment.

Monopole. A style of freestanding antenna support structure that consists of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Provider. Any entity licensed by the FCC to provide subscriber-based personal wireless telecommunications services.

Radiofrequency engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Stealth. The minimization of adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to and in generally the same area as the requested location of a WTF by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Support structure. A freestanding structure, with or without a foundation designed to support antennas including, but not limited to, monopoles and towers.

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications facility(ies). Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service, and paging service. A telecommunication facility can consist of one (1) or more antennas and accessory equipment or one (1) base station.

Wrecker service. The recovering or removing wrecked, junked, abandoned, disabled or repossessed vehicles by a person, vehicle, or piece of equipment employed, especially a truck with a hoist and towing apparatus. Vehicle storage areas are only allowed with an approved conditional use. Dismantling of stored vehicles for resale purposes shall be prohibited.

X

Y

Yard. A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses, vegetation, and fences. (Types of yards are illustrated in figure A.2.)

Front yard. That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. The front yard of a corner lot shall include the yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

Rear yard. That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot. The rear yard of a corner lot shall not include the yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed.

Side yard. The area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Z

Zero lot line. The location of building on a lot in such a manner that one (1) or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one (1) side of their lot.

Zoning district. The use classification of parcels of land as generally defined under this zoning code.

Additional Chapter2 Definitions

"Amenities" shall mean the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas,

such as trails, picnic areas or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

"Carport" shall mean a covered structure used for housing two (2) vehicles that has the following minimum dimensions: vehicular entrance height, eight feet (8′); interior height, eight feet (8′); vehicular entrance width, sixteen feet (16′); and overall carport width and depth, twenty-four feet (24′). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4″) in thickness with appropriate fill and base. Where carports are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

"Central park" means a park for active or passive recreational use consisting of buildable land. The total area of a central park shall be equal to one (1) acre. A central park must be located in the approximate center of the development relative to the residential buildings located therein.

"City" means the city of Stockbridge or its designee.

"Classification" means the RM-1, RM-2 or RM-3 district referred to herein.

"Commercial area outside the development" means an area not associated within or part of the development in which at least three (3) of any of the following operating commercial establishments are located: retail, office, industrial or manufacturing industrial.

"County" means Henry County or its designee.

"Development plan" means a written and graphic submission for a development which represents a tract of land, proposed development, the location and bulk of buildings and other structures, the calculation of all impervious surfaces, density of development, public and private streets, parking facilities, common open space, sidewalks and multi-use paths, and all amenities.

"Dwelling unit" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for tenant occupancy, for rental or lease on a periodic basis of more than one (1) week at a time, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities; however this definition shall not be construed to include extended stay hotels/motels.

"Extended stay hotel/motel or lodging" means any building containing five (5) or more guest rooms, intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes for guests, and at least twenty percent (20%) of which contain kitchen facilities for food preparation, including, but not limited to, refrigerators or stoves, and which facilities shall be separate from the sleeping areas. The rooms of an extended stay facility are of the type accessed by either individual exterior entrances or by individual, internal courtyard entrances. Such a facility is distinguished from a multiple unit dwelling or any other type of permanent residence and persons who reside therein are not permitted to claim permanent residency at such a location.

"Facade" means all exterior faces of a building except eaves and corners.

"Hotel" means a building in which overnight accommodations, without separate cooking facilities, are provided to the public on a short-term basis, for the accommodation of transient individuals, and which shall at all times be prohibited from conversion to multiple unit dwellings or other types of permanent residences.

"Impervious cover" or "impervious surface" means any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes or blocks the free passage of water, air or nutrients through the soil to the natural watershed, aquifer or water zone located below the surface. Surface materials which have been tested and marketed as providing some level of perviousness (e.g., such as pavers) and have a life span comparable to or better than that of asphalt may be used and its rated perviousness may be factored into the calculation of impervious cover after review and approval of the rating by the city or its designee.

Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for landscaping or by

pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent (50%) of the horizontal area of the deck is included in the measurement of impervious cover.

"Maximum allowable net density" means the total number of dwelling units or housing structures per unit of land based on the net useable acres. The maximum allowable net density shall not exceed the density established by this section and applicable law.

"Multiple-family dwellings" mean apartment buildings and other multiple-family dwellings other than fee simple town homes, fee simple condominiums, and hotels and motels regardless of intended duration of occupation.

"Net useable acres" (n.u.a.) shall mean the total acreage of a proposed development under this classification, less any streets, rights-of-way and public lands.

"One hundred (100) year flood plain" shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every one hundred (100) years. This definition shall include, without limitation, any land identified on the Flood Insurance Rate Map as being within a delineated zone of special flood hazard.

"Owner" shall mean all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

"Parking space, off-street" shall mean any 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.

"Pocket park" shall mean a park for active or passive recreational uses consisting of buildable land. The total area of the pocket park shall be one (1) acre. This area requirement for pocket parks may be divided in half where the development will provide two or more pocket parks. Where required, pocket parks shall be located in those parts of the development which are at the greatest walking distance from the highest amenities based upon the area occupied by that amenity.

"Private alleyway" shall mean an alley located in the rear of apartments, townhouses or condominiums in RM-1, RM-2 or RM-3 districts, respectively, that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners, homeowners' associations or condominium associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: Private alleyways shall be a minimum of eighteen feet (18′) in width, and sixteen feet (16′) thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6″). Asphalt alleyways shall consist of a minimum of two inches (2″) of type "E" or "F" asphalt topping, binder and six inches (6″) of graded aggregate base. Curbs and gutters are not required. Private alleyways shall not have dead-ends. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles that has the following minimum dimensions: vehicular entrances height, ten feet (10′); interior height, eight feet (8′); vehicular entrance width, sixteen feet (16′); and overall garage width and depth, twenty-four feet (24′). The overall garage width and depth of a residential parking garage for a town home unit can be twenty feet (20′). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum or four inches (4″) in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

Alleys or alleyways. An alley or alleyway shall mean a private alley located in the rear of residential uses that provides residents with vehicular access to their residences. Alleys shall be maintained by the adjoining property owners, homeowners' associations or condominium/apartment associations. Alleys shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen feet (18′) in width and sixteen feet (16′) thereof shall be paved with concrete or asphalt. Concrete alleys shall be reinforced and have a minimum depth of six inches (6″) with appropriate base. Asphalt alleys shall consist of a minimum of two inches (2″) of type "E" or "F" asphalt topping, binder, and six inches (6″) 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.

Amenity area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas and other active recreational facilities.

Central park. This term shall mean a park for active or passive recreational use consisting of no less than one (1) net useable acre. A central park should be located in the approximate center of the development.

Comprehensive plan. The comprehensive long-range plan containing policies to guide the growth and development of the city of Stockbridge, which includes the analysis, recommendations and proposals for the population, economy, housing, transportation, community facilities, and land use.

Conventional development (CD). Typical "cookie cutter" form of development along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for single-family homes, extensive use of buffering, landscaping and amenities, and commercial and/or industrial uses oriented to ease vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.

Density. The number of dwelling units (du) allowed for each net usable acre (nua), i.e., du/nua.

Density credits. The amount of additional density applicable to a type of development in the PTD according to performance criteria established herein.

Density debits. The amount of density deducted from the type of PTD development according to performance criteria established herein.

Du/nua. See density.

Garage, residential parking. A residential parking garage shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions: vehicular entrance height, eight feet (8′); interior height, ten feet (10′); vehicular entrance width, sixteen feet (16′); and overall garage width and depth, twenty-four feet (24′). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4″) in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

Loft-apartment. A loft-apartment is an apartment as defined in the RM ordinance, section 8.36.100, of the Code of Ordinances for the city of Stockbridge, Georgia but located in a mixed-use building above commercial or office space.

Loft-condominium. A loft-condominium is a condominium as defined in the RM ordinance, section 8.36.100, of the Code of Ordinances for the city of Stockbridge, Georgia but located in a mixed-use building above commercial or office space.

Master development plan. A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures;

density of development; streets, alleyways, sidewalks, and multi-use paths; parking facilities; common recreation and open space; public facilities and civic space; and all conditions, covenants and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.

Maximum net density. The absolute limit for number of dwelling units per net usable acre (du/nua) for a particular use or type of development except when increased or decreased by density credits or debits, respectively, but never to exceed the secondary limit when density credits are used. Note: Density for a particular use may vary within a development area so long as the overall density for that use in the PTD does not exceed the maximum net density for that particular use.

Mixed use neighborhood development (MUND). A MUND is a development designed to unify business, residential, civic and open space within the city of Stockbridge in a manner that increases the connection between work, home and place, decreases vehicle trips, and encourages alternative transportation modes. A MUND consists of areas of compact, urban residential development consisting of detached single family homes, townhouses, condominiums, lofts, and apartments with alleys (typically), rear garages (attached or detached), front porches (typically for single family detached homes and townhouses), balcony porches (typically for condominiums, lofts and apartments), pocket parks, formal parks, amenity and other civic areas, and planned streetscapes. Typically, MUND places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and residences above nonresidential uses. MUND also requires streets and sidewalks designed to accommodate and encourage pedestrian and bicycle traffic. A MUND contains a planned neighborhood center consisting of a mix of residential uses and nonresidential uses (commercial, office, institutional to a limited extent light manufacturing, civic space, and open space). Generally, nonresidential uses are limited in type and dimension to maintain the character of the development. Unlike TND, the number of lots of a PTD that may be developed as an MUND is limited only to the extent of the area and bulk restrictions set forth herein.

Net usable acre (nua). An acre of land on which residential structures may be built but, exclusive of streets; right of ways; one hundred (100) year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional, or industrial uses and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

Nonresidential uses. Those uses that are not residential uses, including but are not limited to: commercial, office, institutional, or industrial uses, streets, drives, and service/parking areas.

Open space. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.

Ownership types. These include all types of residential development including, but not limited to: single family, apartments, townhouses, condominiums, such that ownership may be fee simple, lease purchase, leased or rented and common ownership of open spaces, recreation facilities, and parking areas.

Perimeter of the development or pod. Where the property abuts adjoining property not included in the PTD master development plan or on adjoining pod of development under the same PTD master development plan but containing a different development type or use.

Planned industrial district. An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.

Planned town center or planned neighborhood center. An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of

architectural design standards shall be created and approved prior to development of sites designated as planned town center.

Pocket park. A pocket park is a park for active or passive recreational uses consisting of no less than one-quarter (¼) of a net useable acre (or fourteen thousand two hundred fifty square feet (14,250 sq ft)).

Pocket parks may be consolidated provided that the development contains no fewer than one-half (½) the number required and that any consolidated pocket park does not exceed one (1) net useable acre (or forty-three thousand five hundred sixty square feet (43,560 sq ft)) nor contain less than one-half (½) a net useable acre (or twenty-one thousand seven hundred eighty square feet (21,780 sq ft)). The purpose of pocket parks is to provide open space for recreational use within walking distance of most residences especially those located farthest from amenity areas. Therefore, where required, pocket parks shall be scattered throughout the development but more greatly concentrated in those parts of the development which are the greatest walking distance from an amenity area.

Preliminary concept plan. A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

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

Public lands. The land area designated for general public use, not otherwise under the control of a homeowner or property owner association. This may include civic space as provided herein.

Residential land uses. Any variety of residence types as permitted herein and as shown on the approved master development plan.

Traditional neighborhood development (TND). A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflect back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to maintain harmony of the development. The number of TND lots shall be limited to fifty percent (50%) of the total residential lots of the development.

Townhouses. Same as defined in the RM ordinance, section 8.36.100, of the Code of Ordinances for the city of Stockbridge, Georgia.

Usable land area. Except for adjustments allowed herein, usable land area shall consist of the total net usable acres.

"Conservation easement" means a non-possessory interest of a holder in real property imposing limitations or affirmative obligations for the purposes of which include retaining or protecting natural, scenic, green or open areas of real property, assuring its availability for agricultural, forest, recreational or green space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

"Conservation residential subdivision" also known as "CRS" means a single-family residential subdivision design which concentrates lots, dwellings, streets, utilities and related development activities on the more suitable and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. A CRS allows for a slightly higher net density than that typically allowed for the underlying zoning classification of the property, and smaller lot sizes in order to preserve the environmentally sensitive areas in dedicated, perpetual green space.

"Density bonus" is the amount of additional density applicable to a type of development in the conservation residential subdivision district according to quality construction standards established in this section.

"Dwelling" means a building which is designated or used exclusively to provide a single family detached residence, exclusive of multi-family dwellings, mobile homes, hotels, motels or manufactured homes.

"Green space" means an area of land within the subdivision boundary which shall remain in a permanent undeveloped condition except for amenities areas. The ownership, uses, limitations of use and maintenance of such land shall be determined through a written management plan to be approved by the city at or before approval of the final plat for property which has been approved for a conditional use for a CRS. The green space shall include net usable acres and may include non-useable acres within the gross acreage of the subdivision.

"Holder" means a governmental body empowered to hold an interest in real property under the laws of this state or the United States; or a charitable corporation, charitable association or charitable trust, the purposes of powers of which include retaining or protecting the natural, scenic or green space values of real property, assuring the availability of real property for agricultural, forest, recreational or green space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

"Master development plan" is a site plan that depicts the proposed subdivision layout including lot dimensions, right-of-way (street) layout, parking facilities, sidewalks, multi-use paths, detention or retention facilities, green space area including any physiographic characteristics, buffers and amenities. The master development plan shall also provide the amount of land in one hundred (100) year flood plain, rights-of-way, detention or retention ponds, non-residential lands, public lands, net usable acres and amount of greenspace. Furthermore, the master development plan shall state the proposed density; quality construction standards to be met and the corresponding density bonuses to be applied, if any; percentage of impervious surfaces; and any other information required by the city.

"Net usable acre (nua)" means an acre of land on which dwellings may be built but exclusive of streets; rights-of-way; one hundred (100) year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional or industrial uses, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

"Pocket parks" are parks for active or passive recreational uses consisting of no less than one quarter (¼) of a net useable acre (or fourteen thousand two hundred and fifty (14,250) square feet). The purpose of pocket parks is to provide green space for recreational use within walking distance of most residences especially those located farthest from amenity areas or access to green space. Therefore, 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 or access to green space.

"Private alleyway" shall mean an alley located in the rear of dwellings that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners or homeowners' association. The developer or landowner shall grant the appropriate easement so the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements:

1. Private alleyways shall be a minimum of twenty feet (20') in width and eighteen feet (18') thereof shall be paved with concrete or asphalt.

2. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6") with appropriate base.

3. Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder and six inches (6") of graded aggregate base. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, non-commercial, two (2) axle vehicles. Curbs and gutters should be provided, but are not required.

4. Private alleyways shall not have dead ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions:

1. Vehicular entrance height, eight feet (8'); interior height, ten feet (10'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The floor shall be constructed of concrete.

2. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base.

3. Residential parking garages shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

"Standard subdivision" means the form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no green space land set aside outside of building lots and rights-of-way for preservation in its natural or undeveloped condition.

"Third party right of enforcement" means the right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association or charitable trust, which, although eligible to be a holder, is not a holder.