STATE OF GEORGIA
COUNTY OF HENRY
CITY OF STOCKBRIDGE

ORDINANCE NO. OR19-490

AN ORDINANCE TO PROVIDE STANDARDS FOR CERTAIN BUSINESSES; 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 adopt standards with respect to certain businesses; 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 Title 9 of the Stockbridge Municipal Code is hereby amended by creating a new Chapter 9.105 attached hereto as Exhibit A.

Section 2. That Chapter 12.04 of the Stockbridge Municipal Code is hereby amended by creating a new Section 12.044.0333 attached hereto as Exhibit B.

Section 3. The moratorium extended on August 28, 2019 is hereby repealed.

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (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 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed; provided however, that the provisions of Section 9.16.200 pertaining to pawnshops shall remain in full force and effect.

Section 7. Penalties in effect for violations 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 8. The effective date of this Ordinance shall be the date of its enactment.

ORDAINED this 14th day of October, 2019.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: 10/17/19

Date Received from Mayor: 10/22/19

EXHIBIT A

9.105.010 - Purpose.

The regulations of this chapter are established to regulate the number and location of certain businesses for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates to consumers as an offset for lower business volume.

9.104.020 – Numerical Limitations on Certain Businesses.

A. This code section shall apply to the following types of businesses:

1. tire shops
2. vaper shops
3. thrift stores and consignment shops
4. used appliances shops

B. The city shall issue a maximum of three (3) permits for each of the types of businesses set forth in part A above. No additional permits shall be issued unless the population of the City of Stockbridge reaches thirty thousand (30,000) residents, at which time one (1) additional license may be permitted for each five thousand (5,000) residents of the city over the thirty thousand (30,000) initial threshold. No application for a permit to do business as one of the types of businesses set forth in part A above shall be considered or approved or a permits issued where the total number of permits for that type of business issued and in effect at the time of such application numbers less than one for each five thousand (5,000) residents according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. In making this computation, fractions of each five thousand (5,000) residents shall not be considered. For purposes of this section, non-conforming (grandfathered) business shops shall be included for purposes of calculating the number of outstanding permits.

C. Whenever it shall be recognized by the city manager or his/her designee that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional permits, and it is determined by the city manager that one (1) or more additional permits are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.

D. If, during this period, applications are received which exceed the number of newly available permits, there shall be held a lottery, administered by the city manager, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of permits up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.

E. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

9.105.030 - Spacing.

A. This code section shall apply to the following types of businesses:

1. hair salons and barbershops
2. nail salons
3. tire shops
4. pawn, title lending and cash for title shops
5. vaper shops
6. thrift stores and consignment shops
7. auto shops
8. used appliances shops
9. tattoo shops

B. To avoid over-concentration, no location for any business listed in part A above shall be established on a lot or lots within five thousand two hundred eighty (5,280) feet of another lot or lots containing an existing such business. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by such business to the nearest point on a lot line of the other property occupied by such business.

EXHIBIT B

12.044.0333 Places of Assembly

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

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

The following uses are not considered places of assembly for purposes of The Zoning Ordinance of the City of Stockbridge, Georgia:

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

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

(1) Places of religious worship;
(2) Movie theaters;
(3) Concert halls;
(4) Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training); and
(5) Clubs and/or lodges.

(c) Subject to subsection (b) above and all conditions of any underlying zoning district places of assembly shall be conditional uses in all other zoning districts and subject to the provisions of Section 12.11.050.

(d) In the event any place of assembly shall be designed to serve more than fifty (50) persons at any given time, the parcel shall:

(1) Be located on a lot fronting a major thoroughfare; and

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

(e) Nothing in this Section shall be deemed to amend or otherwise alter any life safety code or any other provision of Code of Ordinances, City of Stockbridge, Georgia unless express provided for herein."