

STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

ORDINANCE NO. OR19-500

AN ORDINANCE TO AMEND THE PROCEDURES AND CRITERIA FOR CERTAIN ADMINISTRATIVE WAIVERS; 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 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 12 of the Stockbridge Municipal Code is hereby amended by deleting Section 12.11.030 in its entirety and replacing it with a new Section 12.11.030 attached hereto as Exhibit A.

Section 2. 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.

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.

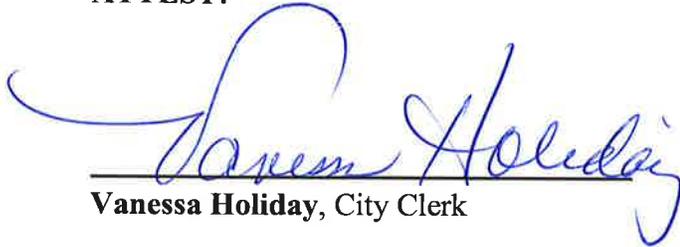
ORDAINED this 11th day of November, 2019.

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: 11-14-19

Date Received from Mayor: 11-18-19

EXHIBIT A

12.11.030 - 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 Section 12.05.030 [pending].
 2. The reduction is limited to a maximum deviation of ten (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 Section 12.05.030 [pending].
 2. The reduction is limited to five (5) spaces or five (5) 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 Section 12.07.023.D. Fall-out shelters).
- D. A reduction in any business separation distance limitation set forth in the zoning code, provided the following standards are met:
 1. The reduction is acceptable due to the following factors:
 - a. The intent of this distance separation can be achieved because any additional business will not result in the oversaturation of the type of business within the City;
 - b. One or more of any affected existing businesses of the type proposed by the applicant lies outside the corporate limits of the City; and
 - c. The applicant business can demonstrate that there is no other reasonable or feasible location for such business within the City.
 2. The reduction is limited to a maximum deviation of forty (40) percent.
- E. A waiver from Section 12.088.027 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 Section 12.088.020 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 Section 12.05.010 [pending], including the provision that all landscaping be permanently maintained. Surfaces must remain grass and weed free.

(Ord. No. OR16-412, § 2(Exh. A, § 11.03.00), 7-26-2016)