



THE PLANNING & ZONING RESOURCE COMPANY

1300 South Meridian Avenue, Suite 400 • Oklahoma City, Oklahoma 73108
Telephone (405) 840-4344 • Fax (405) 840-2608

**TITLE INSURER PACKET
ZONING SUMMARY**

PZR REPORT[®] FOR:
**8.39 ACRES CAMPGROUND & SODECO ROAD
108 PEACH DRIVE
(PARCEL: 071-01025002)
STOCKBRIDGE, GEORGIA**

Prepared For:

HAKAMI ENTERPRISES, INC.

Date: Final – 06/24/2021

PZR SITE NUMBER: 148019-1

NATIONAL PLANNING & ZONING CONSULTING SERVICE

THE PLANNING AND ZONING RESOURCE COMPANY

1300 SOUTH MERIDIAN AVENUE, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73108
(405) 840-4344
FAX (405) 840-2608

ZONING AND SITE REQUIREMENTS SUMMARY

I. Existing Land Use and Zoning

1. Jurisdiction:	<i>City of Stockbridge, Georgia</i>
2. Existing Zoning Designation:	<i>"PD" Planned Development District with an underlying "C-2" General Commercial District Zoning Designation (Confirmed by Gordon Linton, Planner I – See Attached Email)</i>
3. Abutting Zones:	<i>"PD" to the North and East, and Out of Jurisdiction to the South and West</i>
4. Existing Land Use:	<i>Retail / Strip Mall</i>
<i>Is The Existing Use in Conformance?</i>	<i>Yes, as a Permitted Use by Right</i>
<i>(See Zoning Code Sections 12.02.043 and 12.02.042 for Reference)</i>	

II. Property Specification

1. Building Set-Back Lines	
a. Front:	<i>50 Feet</i>
b. Side:	<i>None Required, except Corner Lots shall have a Minimum Street Side Yard of 30 Feet</i>
c. Rear:	<i>20 Feet</i>
<i>(See Zoning Code Table 2.04.03 for Reference)</i>	
2. Building Size	
a. Maximum Building Height or Stories:	<i>35 Feet</i>
b. Building Site Area Requirements:	<i>Minimum Lot Area: 10,000 Square Feet</i>
	<i>Minimum Lot Width: 100 Feet</i>
<i>(See Zoning Code Table 2.04.03 for Reference)</i>	
3. Density	
a. Building Density Formula:	<i>None Specified</i>

4. Parking

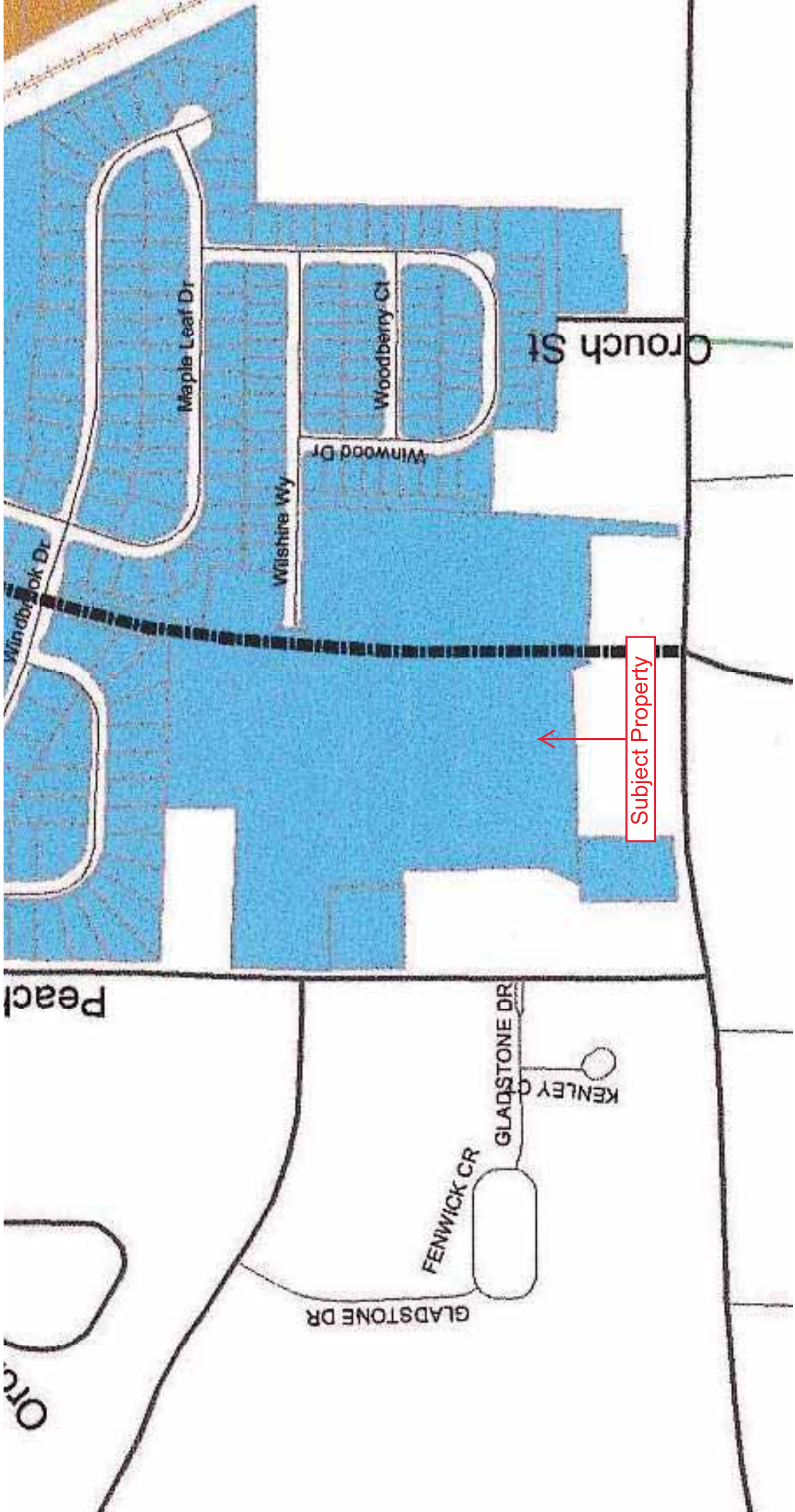
a. Parking Space Formula:

*Retail Establishments:
5 Spaces per 1,000 Square Feet of
Gross Floor Area*

(See Zoning Code Table 12.08.025(D) for Reference)

Other Comments: None

This Report was prepared by Jon Huff. Questions may be directed to Sheila Lyles at 405.840.4344, Extension 4406 or by email to Sheila.Lyles@pzs.com. Please reference PZR Site Number 148019-1.



Subject Property

Crouch St

Woodberry Ct

Winwood Dr

Winchire Wy

Maple Leaf Dr

Windbrook Dr

Peach

Gladstone Dr

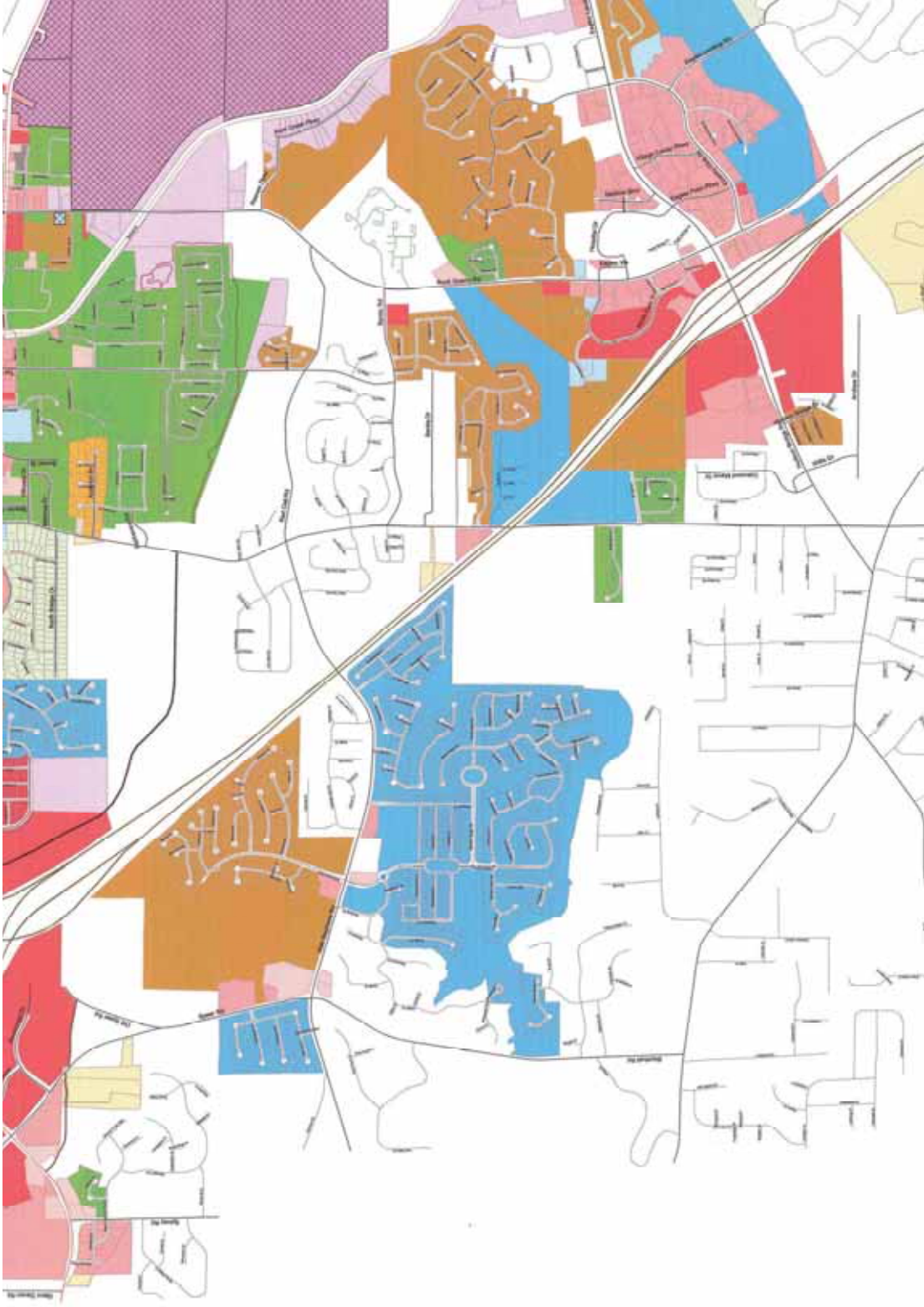
Fenwick Cr

Gladstone Dr

Kenley Cr

Orch

City Zoning



ANNEXATION ORDINANCE

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

ORDINANCE NO. 187-00

BE IT HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, that upon the written and signed application of landowner(s), who own property contiguous to the existing corporate limits of the City of Stockbridge, a complete description of said property attached hereto and made a part hereof, that the said described property be annexed into and made a part of the City of Stockbridge.

This the 10th day of April, 2000.

[Signature]
MAYOR

COUNCIL

COUNCIL

COUNCIL

COUNCIL

COUNCIL

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>Peach Drive</u>	<u>71-1-25.2</u>	<u>59.3</u>	<u>PD</u>	<u>64</u>	<u>7th</u>
_____	_____	_____	_____	_____	_____

OWNER(S) NAME AND ADDRESS:

Killearn Properties Inc. of GA. _____

David K. Williams, President _____

385 Country Club Drive _____

Stockbridge, Georgia 30281 _____

I, MERLE MANDERS, City Clerk for the City of Stockbridge, do hereby certify that the above Ordinance is a true and correct copy of the Ordinance as it appears in the records of the City of Stockbridge.

This the 10th day of April, 2000.

ATTEST:

[Signature]
Merle Manders, City Clerk

APPLICATION FOR ANNEXATION

**MAYOR AND CITY COUNCIL
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA**

The undersigned owner/s of land contiguous to the existing corporate limits of the City of Stockbridge, hereby makes application for the annexation of his/their land to the existing corporate limits. The land to be annexed is completely described in the attached survey plat and legal description of property.

This 17th day of March, ~~19~~ 2000

LOCATION OF PROPERTY	COUNTY MAP CODE	NUMBER OF ACRES	ZONED	LAND LOT	DISTRICT
<u>Peach Drive</u>	<u>71-1-25.2</u>	<u>59.3+/-</u>	<u>PD</u>	<u>64</u>	<u>7th</u>

OWNER/S NAME AND ADDRESS:

Killearn Properties Inc of GA. _____
385 Country Club Drive _____
Stockbridge, GA. 30281 _____

Signed by:

Killearn Properties Inc of GA. L.S. _____
[Signature]
 BY: David K. Williams, President

_____ L.S.

_____ L.S.

Witness:

Tracy Hall _____

CITY OF STOCKBRIDGE

4545 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA
Phone 770 389-7900 FAX 770 389-7912
Email: cityhall@cityofstockbridge.com

March 22, 2000

Mr. Jim Risher, County Administrator
Henry County Board of Commissioners
Henry County Administration Building
345 Phillips Drive
McDonough, Georgia 30253

Re: Killearn Properties Inc. of Georgia
Location: Peach Drive
Map Code: 71-1-25.2
Acres: 59.3
Zoned: Planned Development
LL 64, District 7th

Dear Mr. Risher:

Please be advised that the City of Stockbridge, Georgia, by the authority vested in the Mayor and Council of the City of Stockbridge, Georgia by Article 4 of Chapter 36, Title 36, O.C.G.A., intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council. A copy of the property owner's zoning application is enclosed.

Notice is further given that if the County has any legitimate bona fide land use classification objections to said zoning, it must take the actions required of it under the "Land Use Classification Dispute Resolution Agreement" entered into between the City and the County dated July 1, 1998.

The letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of an application for annexation, petition for annexation, or upon the adoption of a resolution for annexation by the City of Stockbridge, in accordance with O.C.G.A. 36-36-6 and O.C.G.A. 36-36-9.

Pursuant to O.C.G.A. 36-36-7 and O.C.G.A. 36-36-9, you must notify the City of Stockbridge, in writing and by certified mail, return receipt requested, of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter.

For your convenience, you will find enclosed a copy of the legal description of the property to be annexed.

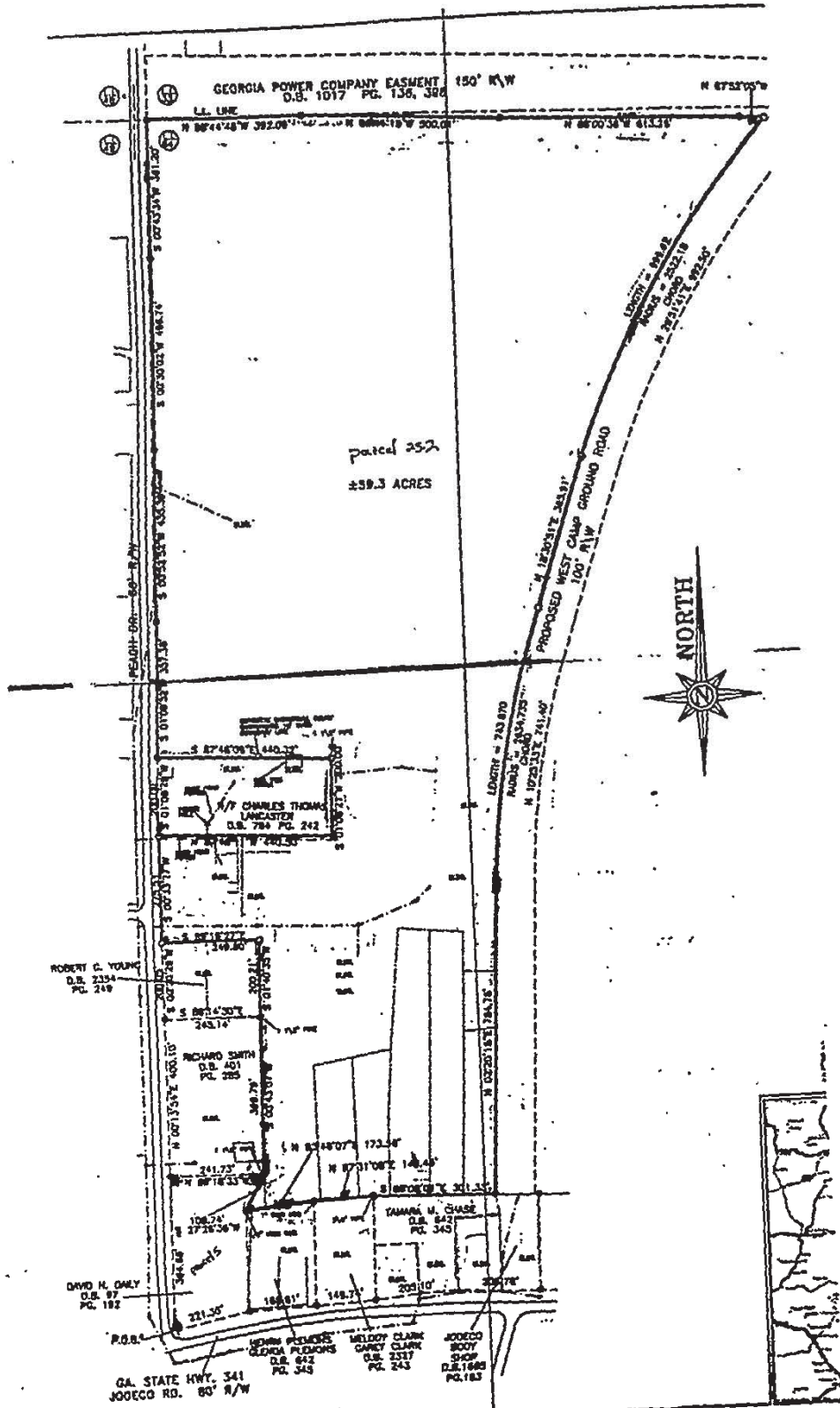
Sincerely,



Merle Manders, CMC
City Clerk

Enclosures

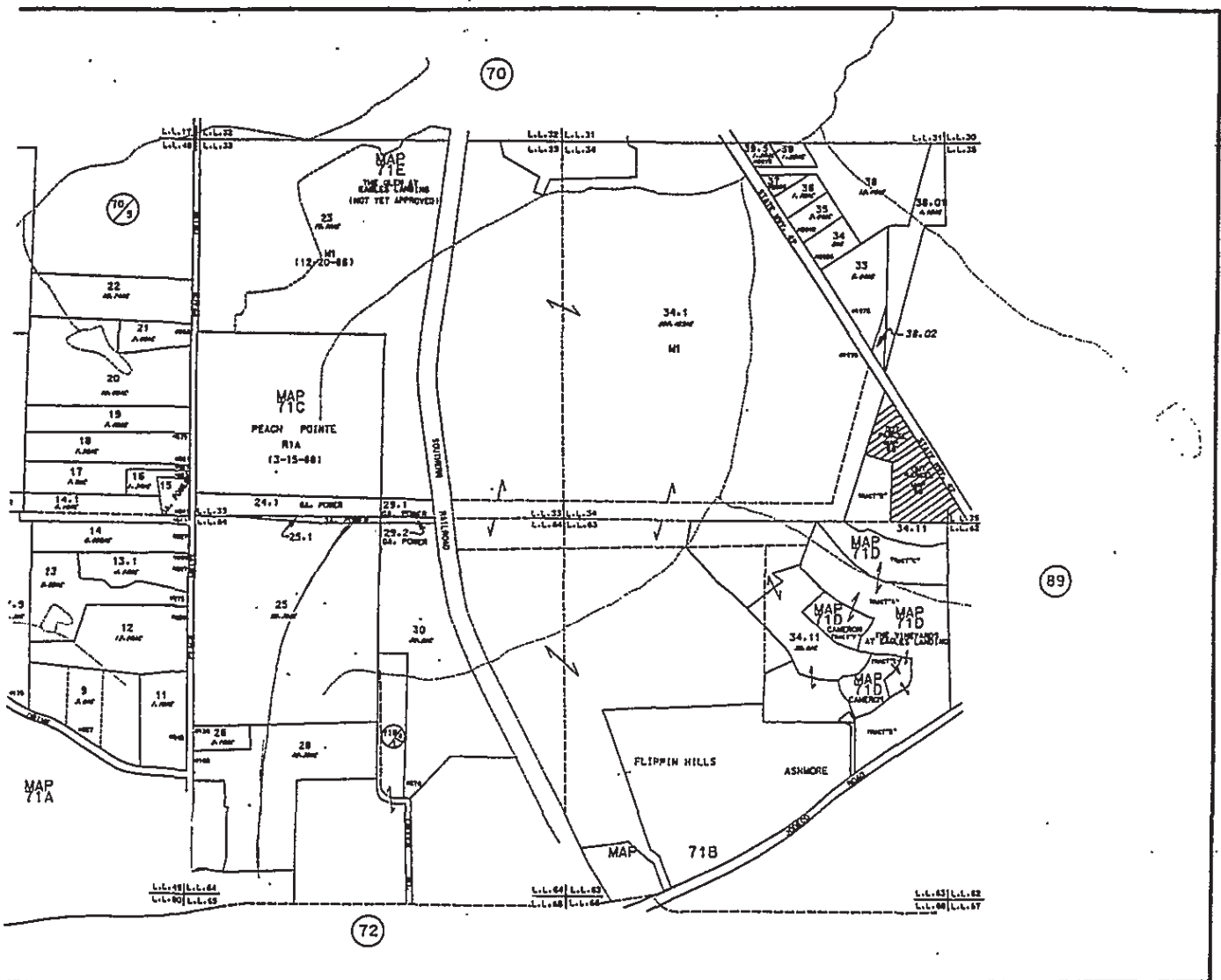
cc: A. J. Welch, Jr.



Surveyor
Burt Blackmon
 312 Montrose Drive
 McDonough, GA 30253
 (770) 508-9977

CLERK OF SUPERIOR COURT,
 HENRY COUNTY, GEORGIA
 FILED AND RECORDED
 AT _____
 IN PLAT BOOK _____ PAGE _____
 CLERK





238

<p>200 0 400 SCALE IN FEET</p>	<p style="text-align: center;">↑ N</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">TAX MAP (PARTIAL MAP)</td> <td style="font-size: small;">REVISION DATE</td> <td style="font-size: small;">SHEET NO.</td> </tr> <tr> <td style="text-align: center;">HENRY COUNTY GEORGIA</td> <td style="text-align: center;">11/27/88</td> <td style="text-align: center;">71</td> </tr> <tr> <td style="font-size: x-small;">DATE:</td> <td style="font-size: x-small;">BY:</td> <td></td> </tr> </table>	TAX MAP (PARTIAL MAP)	REVISION DATE	SHEET NO.	HENRY COUNTY GEORGIA	11/27/88	71	DATE:	BY:	
TAX MAP (PARTIAL MAP)	REVISION DATE	SHEET NO.									
HENRY COUNTY GEORGIA	11/27/88	71									
DATE:	BY:										

All that tract or parcel of land containing 59.3 acres laying and being in land lot 64, District 7, Henry County Georgia, and being more particularly described as follows:

To find the true point of beginning commence at a point located at the corner of the northern right-of-way line of Georgia State Highway 341 A.K.A. Jodeco Rd. (80 ft. right-of-way) and the eastern right-a-way line of Peach Drive (60 ft. right-of-way) in run thence north 394.66 ft. along the eastern right-of-way line of Peach Drive to point; thence north 89° 18 minutes 33 seconds west 241.73 ft. to the true point of beginning.

From the true point of beginning run thence south 27° 26 minutes 36 seconds west a distance of 108.74 ft.; thence north 83° 46 minutes 07 seconds east a distance 173.56 ft to a point thence north 87° 31 minutes 8 seconds east 149.45 ft. to a point thence south 88° 2 minutes 1 second east a distance of 301.33 ft. to a point thence north 02°20 minutes 16 seconds east 784.76 ft. to a point thence 743.870 feet along the arc of a curve to the right, said arc having a radius of 2,634.735 ft. and accord bearing of north 10° 25 minutes 33 seconds east a distance 741.40 ft. thence north 18° 30 minutes 51 seconds east a distance 395.91 ft thence 999.02 ft along the arc of a curve to the right said having a radius of 2,522.18 ft. and accord bearing north 29° 51 minutes 41 seconds east a distance of 992.50 ft to a point thence north 87° 52 minutes 05 seconds west a distance of 64.24 ft thence north 88° 00 minutes 36 seconds west a distance of 613.26 ft Thence north 86° 41 minutes 15 seconds west a distance west of 500 ft. thence north 88° 44 minutes 48 seconds west a distance of 392.09 ft. to a point located on the eastern right-of-way line Peach Drive and running thence along the eastern right-of-way line of Peach Drive the following courses and distances: south 00° 43 minutes 34 seconds west a distance of 361.20 ft. thence south 00 ° 30 minutes 02 seconds west a distance 496.74 ft. thence south 00° 52 minutes 52 seconds west a distance of 435.39 ft. thence south 01° 09 minutes 52 seconds west 357.36 ft. thence departing the eastern right-of-way of Peach Drive and running south 87° 48 minutes 09 seconds east a distance of 440.32 ft. 2 a point thence south 01° 06 minutes 21 seconds west a distance of 200.00 ft. thence north 87° 48 minutes 11 seconds west a distance 440.50 ft. located on the eastern right-of-way line of Peach Drive in running thence south 00° 33 minutes 27 seconds west along said right-of-way line a distance of 275.53 ft. thence departing said right of way line and running south 89° 16 minutes 27 seconds east a distance 249.80 ft. thence south 01° 40 minutes 35 seconds west a distance 200 .21 ft thence south 00° 43 minutes 07 seconds a distance 399.79 ft to the point of beginning.

SMITH, WELCH & BRITTAIN

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)

ATTORNEYS AT LAW
SUITE 200 - THE COMMERCE BUILDING - 235 KEYS FERRY STREET
POST OFFICE BOX 10
MCDONOUGH, GEORGIA 30253
Telephone (770) 957-3937
Litigation Fax (770) 957-9165
Real Estate Fax (770) 957-0115

T. BRUCE MCFARLAND
JOHN P. WEBB
TRICIA B. SMITH
BRUCE R. VAIL (GA & MS)
C. WALTER PENDERGRASS, III
WILLIAM A. WHITE

April 3, 2000

Mrs. Merle Manders, Clerk
City of Stockbridge
4545 N. Henry Boulevard
Stockbridge, GA 30281

Re: **Annexation of Property - Killearn Properties, Inc. of GA
Peach Drive - 59.3 Acres**

Dear Merle:

We have examined the title with respect to the above-referenced property and find that title is vested in Killearn Properties, Inc. of GA. You may begin the annexation process regarding same.

If you have any questions, please call.

With kindest regards,

SMITH, WELCH & BRITTAIN



A.J. Welch, Jr.

AJW:liz

F:\WP6\STOCKBRNLETTERS\MANDERS\Annexation Lt - Letterhead.wpd



City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281
Phone: (770) 389-7900 • Fax: (770) 389-7912

MAYOR

R. G. Kelley

COUNCIL MEMBERS

*Harold Cochran
G. W. Evans
W. A. Gardner
Ronnie Simmons
Fletcher Turner, Jr.*

CITY MANAGER

Ted Strickland

CITY CLERK

Merle Manders

April 20, 2000

Killearn Properties Inc. of GA.
David K. Williams, President
385 Country Club Drive
Stockbridge, Georgia 30281

*Re: Map Code 71-1-25.2
Peach Drive - 59.3 acres
LL 64, 7th District*

Dear Mr. Williams:

At a Regular Meeting of the Stockbridge City Council on April 10, 2000, your property was annexed into the City of Stockbridge.

All county departments and utility companies that provide essential services will be notified. Welcome to the City of Stockbridge, if you have any questions or we may be of assistance, please let us know.

Sincerely,

Merle Manders, CMC
City Clerk

SMITH, WELCH & BRITAIN

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITAIN
E. GILMORE MAXWELL (TN & GA)

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BRUCE R. VAIL (GA & MS)
C. WALTER PENDERGRASS, III
WILLIAM A. WHITE

April 20, 2000

Chief, Voting Section
U.S. Justice Department
Civil Rights Division
P.O. Box 66128
Washington, D.C. 20035-6128

Certified Mail
Z 518 066 141

Re: **City of Stockbridge, Georgia**
Annexation #187-00
Property of Killearn Properties Inc. of GA
Map Code: 71-1-25.2
Acres: 59.3

Dear Sir/Madam:

Please be advised that I represent the City of Stockbridge, Georgia (hereinafter referred to as "City"). Pursuant to Section 5 of the Voting Rights Act of 1997, as amended, 42 USC 1993 (C), the following described annexation is submitted to you for your consideration and approval. All previous annexations submitted to the Department of Justice for the City have been approved.

On April 10, 2000, the City annexed this tract of real estate. In connection with said annexation please find enclosed the following:

1. Zoning Classification Ordinance to Annexed Property, Annexation Application and Ordinance with legal description(s);
2. Copy of the plat showing the location of the property being annexed;
3. Copy of the City map showing the approximate location of the property being annexed.

The following information regarding the property being annexed is submitted to the Department of Justice:

- A. Number of Acres: 59.3

- B. Zoning: PD - Planned Development
- C. Number of persons residing on property as of date of annexation: None
- D. Potential Development of Property: PD
- E. Approximate Number of Future Residents: 3,000
- F. Reason for Annexation: To obtain City services

The following information is submitted regarding the City of Stockbridge:

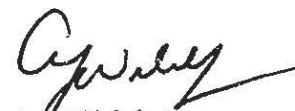
- A. Type of Government: Mayor and Council
- B. Method of Election: Plurality
- C. Terms: Four Years
- D. Elections: Staggered

The City has approved the above-stated annexation/rezoning and the Secretary of State of Georgia has consented thereto. It is the City's position that said annexation should be approved by the Department of Justice.

If you require additional information in this matter, please notify me.

With kindest regards,

SMITH, WELCH & BRITTAIN



A. S. Welch, Jr.

AJW:liz

encls.

cc: City of Stockbridge (Letter only)



U.S. Department of Justice

Civil Rights Division

JDR:JBG:CEI:nj
DJ 166-012-3
2000-1020
2000-1776

Voting Section
P.O. Box 66128
Washington, DC 20035-6128

May 8, 2000

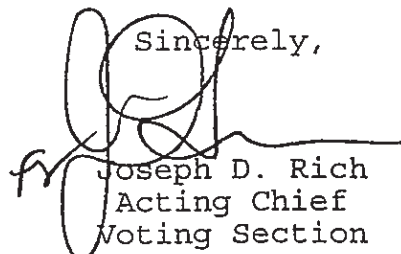
A. J. Welch, Jr., Esq.
Smith, Welch & Brittain
P.O. Box 10
McDonough, Georgia 30253

Dear Mr. Welch:

This refers to eight annexations (Ordinance Nos. 180-00 through 187-00) to the City of Stockbridge in Henry County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on March 7 and April 24, 2000.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph D. Rich".

Joseph D. Rich
Acting Chief
Voting Section



Secretary of State
Department of Archives and History
330 Capitol Avenue, S.E.
Atlanta, Georgia 30334
www.sos.state.ga.us

Cathy Cox
SECRETARY OF STATE

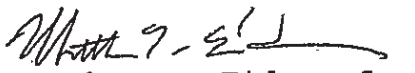
Edward Weldon
DIRECTOR
(404) 656-2358
INFORMATION (404) 656-2393
FAX (404) 657-8427
<http://www.sos.state.ga.us/archives>

Ms. Merle Manders, CMC
City Clerk
City of Stockbridge
4545 N. Henry Blvd.
Stockbridge, GA - 30281

05/17/00

This print-out serves as an acknowledgement
that the respective records have been received

CONTROL NO.: 3809
CITY: Stockbridge
BOUNDARY CHANGE: Annexation
ORDINANCE NO.: 187-00
ORD. DATE: 04/10/00
EFFECT. DATE: 05/01/00
DATE RECEIVED: 04/20/00
PROP. OWNER 1: Killearn Properties Inc.
PROP. OWNER 2: David K. Williams
LAND LOT: 64
LAND DIST.: 7
COUNTY: Henry
OTHER LOCAT.: Peach Drive
ACREAGE: 59.3


Matthew Y. Eidson for
Cathy Cox
Secretary of State

SMITH, WELCH & BRITTAIN

ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A. J. WELCH JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
BYRD GARLAND
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L. SCOTT MAYFIELD
HEATHER M. ISON
JOHNNY D. LATZAK, JR.
MATTHEW H. MICHAUD
KAREN FITE-MATHEWS

Jackson Office (770) 775-3188

Stockbridge Office (770) 389-4864

December 27, 2002

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281


Re: **Annexations 181-00 through 187-00**

Dear Ms. Manders:

As you requested, enclosed is a copy of the approval letter from the Department of Justice regarding annexation numbers 181-00 through 187-00. Please let me know if you need anything further.

Sincerely yours,

SMITH, WELCH & BRITTAIN


Jenine Sohler
Paralegal

js
Enclosures

REZONING ORDINANCE

CITY OF STOCKBRIDGE
STATE OF GEORGIA

ORDINANCE NO. 00-63

AN ORDINANCE FOR THE PURPOSE OF ASSIGNING AN INITIAL ZONING CLASSIFICATION TO ANNEXED PROPERTY.

WHEREAS, the property of Killearn Properties Inc. of Georgia
David K. Williams, President
Address 385 Country Club Drive
Stockbridge, Georgia 30281

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>Peach Drive</u>	<u>71-1-25.2</u>	<u>59.3</u>	<u>PD</u>	<u>64</u>	<u>7th</u>

(hereinafter "property"), has or will be annexed into the City Limits of the City of Stockbridge, Georgia (hereinafter referred to as "City"; and

WHEREAS, the City desires to assign a zoning classification to the property;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF:

1.

That the above described property is hereby rezoned from Planned Development of Henry Co. to Planned Development of City of in accordance with the Zoning Ordinance of the City of Stockbridge; Stockbridge

2.

That the zoning of the above described property is subject to:

- () The conditions set forth on Exhibit "B" attached hereto and incorporated herein by reference.
- () The terms of Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference.
- () If no Exhibit "B" is attached hereto, then the property is zoned without special conditions.

3.

That the official zoning map for the City of Stockbridge is hereby amended to reflect such zoning classification for the property.

4.

The rezoning of the property shall become effective the first day of the month following the date hereof.

SO ORDAINED by the Mayor and Council of the City of Stockbridge this 10th day of April, 2000.

ATTEST:

Shirley M. Anderson
CITY CLERK

[Signature]
MAYOR



City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281
Phone: (770) 389-7900 • Fax: (770) 389-7912

MAYOR

R. G. Kelley

COUNCIL MEMBERS

*Harold Cochran
Shirley Dabney
Fred Evans
W.A. Gardner
Kathy Gilbert*

CITY MANAGER

Ted Strickland

CITY CLERK

Merle Manders

September 25, 2008

Mr. Ray Gibson, Director
Henry County Planning and Zoning
Henry County Administration Building
140 Henry Parkway
McDonough, Georgia 30253

Dear Mr. Gibson:

This is to advise that property owned by:

Killearn Properties Inc. of Georgia
Location: Peach Drive
Map Code: 71-1-25.2
Acres: 59.3, LL 64; 7th Dist.

The property was officially rezoned from Planned Development of Henry County to Planned Development of City of Stockbridge on April 10, 2000. The Planned Development zoning would include C-1 and C-2 zonings.

If you need additional information, please let me know

Sincerely,

Ted Strickland
City Manager

TS:mm
Attachments (3)



Henry County
Department of Planning & Zoning
Ray Gibson, AICP, Director

September 25, 2007 8

John Palmer
Killearn Properties, INC
135 North Park Place Suite 100
Stockbridge, GA 30281

RE: Zoning Verification for Parcel Number 071-01-025-002 located in Land Lot 64 of the 7th District

Mr. Palmer,

It is my pleasure to respond to your request for confirmation of zoning for parcel 071-01-025-002 located within the City limits of Stockbridge in Land Lot 64 of the 7th District containing 26.43+/- acres. The Official Zoning Map for the City of Stockbridge shows the aforementioned parcel being zoned PD (Planned Development) with a C-2 (General Commercial) designation. Attached is a copy of the Official Zoning Map for the City of Stockbridge and Attachment A showing the boundaries of the aforementioned parcel. Please feel free to contact the Planning and Zoning Department with any further questions

Sincerely,



Ray Gibson, AICP
Director

140 Henry Parkway • McDonough, Georgia 30253
MAIN: (770) 288-7526 • FAX: (770) 288-7550

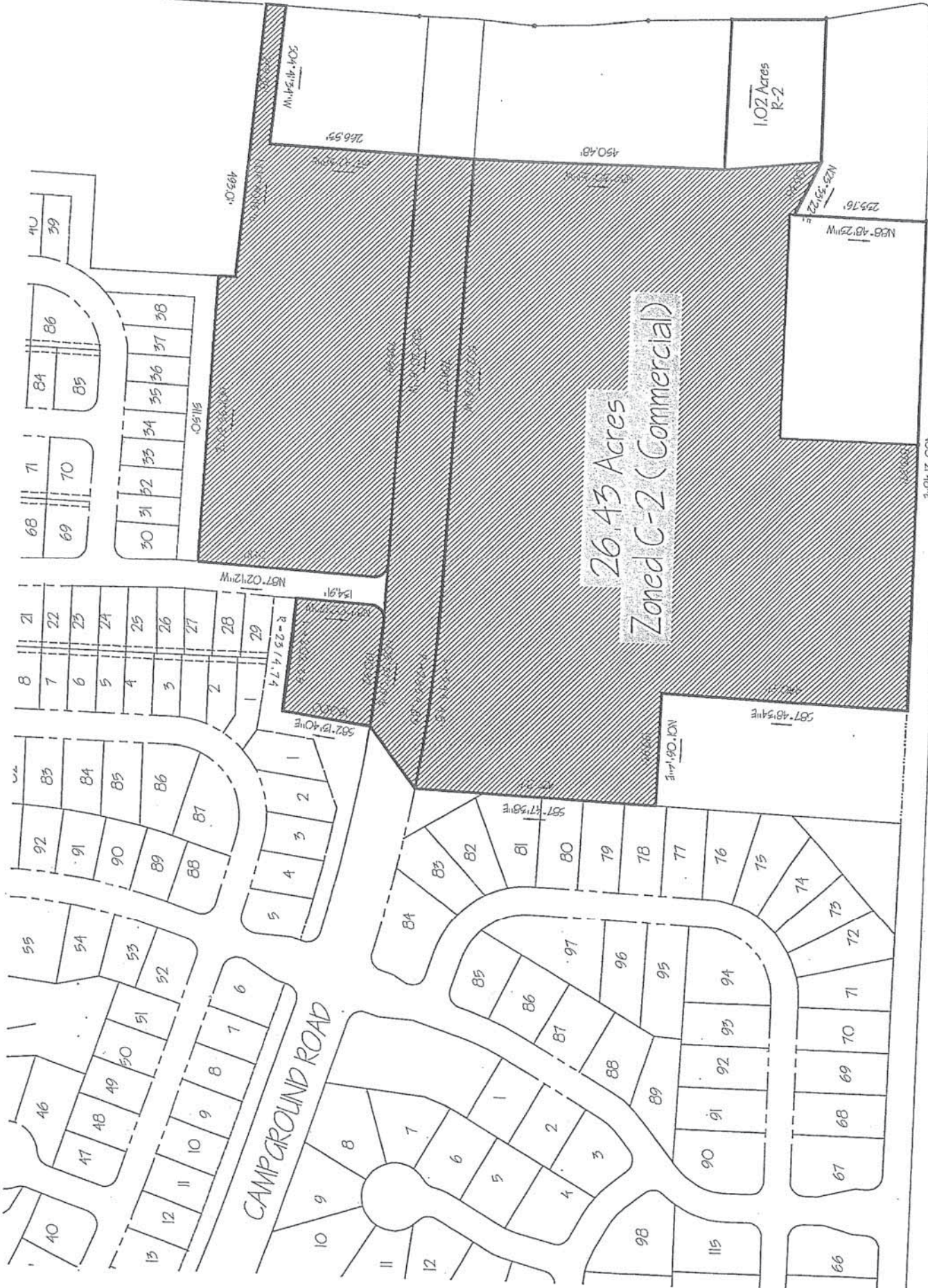
JOPECO ROAD

PEACH DRIVE

1.02 Acres
R-2

26.43 Acres
Zoned C-2 (Commercial)

ATTACHMENT A



Henry Home
Henry County Parcel Maps
Search Page

Map Help Click Here

Zoom Out Zoom In

myPanby Hand Zoom to Box

Zoom County Get Info

Measure Area Tool

Print Page

Show:

Roads

Buildings

Yearly Sales

Sales for year: 2005 | 2006 | 2007

Flood Plains

Soil Types

Aerial Photography

Police Dist.

Fire Districts

Commission Dist

Congressional

Senate

House Rep

Voting


Future Land Use

Cities

Elementary Schools

Middle Schools


High Schools



Map Size: Small

Scale:

2010



PARCEL INFORMATION TABLE

Selected Parcel: **071-01025002**
(Click for Complete Card)

Class Code (NOTE: Not Zoning Info): **R1**

Taxing District:

Acres: **0**

OWNERSHIP INFORMATION

Name: **KILLEARN PROPERTIES INC**

Mailing Address: **300 LESTER MILL RD #110 LOCUST GROVE, GA 30248**

Situs/Physical Address: **108 PEACH DR**

VALUES

Land Value: **\$574,200.00**

Improvement Value: **\$202,800.00**

Accessory Value: **\$1,000.00**

Total Value: **\$778,000.00**

LAST 2 SALES

Date	Price	Reason	Qual
12-2005	\$0	QC	U
02-2002	\$0	WD	U

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Board of Assessors

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Owner Name	KILLEARN PROPERTIES INC	Today's	September 26, 2008
Mailing Address	300 LESTER MILL RD #110 LOCUST GROVE, GA 30248	Parcel Number	071-01025002
		Millage Group	CITY-STOCK (City/Stockbridge)
		Total Millage	
Location Address	108 PEACH DR	Property Usage	TRANSITIONAL (0190)
Class Code (Not Zoning)	R1-R	Total Acres	0
Landlot / District	64 / 7	Parcel Map	Show Parcel Map
Subdivision Name	Phase: Unit:	Subdivision Lot/Block	/
Plat Book	29	Plat Page	110

January 1, 2008 Preliminary Value Information

Land Value	Building Value	Misc Value	Total Value	Exemptions
574,200	202,800	1,000	778,000	

Land Information

Land Use	Number of Units	Unit Type	Zoning
TRANSITION (000190)	25.52	AC	RA

Short Legal

Building Data

Building #	Type	Total Area	Heated Area	Bed Rooms	Baths	Wall Height	Effective Year Built	Actual Year Built
Sketch Building 1	SINGLE FAMILY RES.	2,026	1,886	3	2	0	1982	1982
Sketch Building 2	SINGLE FAMILY RES.	1,515	1,325	3	2	0	1979	1979
Sketch Building 3	SINGLE FAMILY RES.	1,908	1,896	3	1	0	1954	1875
Sketch Building 4	SINGLE FAMILY RES.	840	0	0	0	0	1955	1950

Miscellaneous Data

Description	Length	Width	Units	Year Built
FP-AVERAGE	0	0	1	1982

Sale Information

Sale Date	Deed Book	Price	Instrument	Reason	Grantor	Grantee
12-06-2005	8729-319	\$0	QUIT CLAIM		KILLEARN INC	KILLEARN PROPERTIES INC OF GA
02-20-2002	4818-41	\$0	WARRANTY DEED		KILLEARN PROPERTIES INC	KILLEARN INC
05-04-1999	3345-90	\$1,452,900	LIMITED WARRENTYDEED		BLACKMON BURT	KILLEARN PROPERTIES INC

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Huff, Jon

From: Gordon Linton <GLinton@cityofstockbridge-ga.gov>
Sent: Thursday, June 24, 2021 11:05 AM
To: Huff, Jon
Subject: RE: PD Copy for Campground Road and Sodeco Road Property (108 Peach Drive)

I would follow the C-2 zoning.

From: Huff, Jon
Sent: Thursday, June 24, 2021 12:04 PM
To: Gordon Linton
Subject: RE: PD Copy for Campground Road and Sodeco Road Property (108 Peach Drive)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you very much— My only question right now is would the property follow the "C-1" or the "C-2" underlying zoning? The September 25, 2008 letter in the 2nd attachment mentions both zones.

Jon Huff
Report Writer
Planning & Zoning Resource Company
1300 S Meridian Ave Suite 400
Oklahoma City OK 73108
405-546-4511 - DIRECT
Jon.Huff@pzs.com
www.pzs.com



From: Gordon Linton <GLinton@cityofstockbridge-ga.gov>
Sent: Thursday, June 24, 2021 10:50 AM
To: Huff, Jon <Jon.Huff@pzs.com>
Subject: RE: PD Copy for Campground Road and Sodeco Road Property (108 Peach Drive)

Good morning Mr. Huff

Attached are the documents that are relating to this property. The first one is the annexation file and the other is the rezoning case relating to it. If you have any questions, I am free via e-mail and phone.



Gordon Linton, MPA
Planner I
Planning and Zoning Division
Community Development Department

Office: 678-833-3329
Direct: 678-216-8681
glinton@cityofstockbridge-ga.gov



From: Huff, Jon <Jon.Huff@pwr.com>
Sent: Thursday, June 24, 2021 11:41 AM
To: Linda Logan <LLogan@cityofstockbridge-ga.gov>
Cc: Gordon Linton <GLinton@cityofstockbridge-ga.gov>
Subject: RE: PD Copy for Campground Road and Sodeco Road Property (108 Peach Drive)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you. I will be on the lookout for an email from Mr. Linton.

Jon Huff
Report Writer
Planning & Zoning Resource Company
1300 S Meridian Ave Suite 400
Oklahoma City OK 73108
405-546-4511 - DIRECT
Jon.Huff@pwr.com
www.pwr.com



From: Linda Logan <LLogan@cityofstockbridge-ga.gov>
Sent: Wednesday, June 23, 2021 2:40 PM
To: Huff, Jon <Jon.Huff@pwr.com>
Cc: Gordon Linton <GLinton@cityofstockbridge-ga.gov>; Linda Logan <LLogan@cityofstockbridge-ga.gov>
Subject: RE: PD Copy for Campground Road and Sodeco Road Property (108 Peach Drive)

Mr. Huff, Gordon Linton of our staff has already been researching this property for another customer, so he probably has the information that you need. You may contact him at glinton@cityofstockbridge-ga.gov. He has left the office today, but should be back tomorrow. I will forward your information to him.

Linda Logan



Linda M. Logan, MSP, APA
Senior Planner
Planning and Zoning Division
Community Development Department
City of Stockbridge
Municipal Court Building
4602 North Henry Boulevard
Stockbridge, GA 30281

Office: (678) 833-3344
llogan@cityofstockbridge-ga.gov

From: Huff, Jon <Jon.Huff@pzs.com>
Sent: Wednesday, June 23, 2021 1:45 PM
To: Planning and Zoning <planning@cityofstockbridge-ga.gov>; Linda Logan <LLogan@cityofstockbridge-ga.gov>
Subject: RE: PD Copy for Campground Road and Sodeco Road Property

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon—I am researching the attached property for a Client. I am under a bit of a time crunch as our Client is stating the property is going to auction this Friday, and they need a Zoning Report from us prior to the auction. Is there any way someone can email me the approved "PD" for this property? Client states it is a proposed "Retail/Strip Mall" development. Currently, it is vacant land, and the Zoning Map indicates the property as being zoned "PD". Seeing as they need this information by Friday, we were hoping to obtain the information via email, rather than through a formal Zoning Verification request. Please let me know if this is possible. Thank you.

Jon Huff
Report Writer
Planning & Zoning Resource Company
1300 S Meridian Ave Suite 400
Oklahoma City OK 73108
405-546-4511 - DIRECT
Jon.Huff@pzs.com
www.pzs.com



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Zoning Ordinance / Land Development Code

with

Most Current Revision Date

Code of Ordinances

Supplement 49

Online content updated on April 26, 2021

MUNICIPAL CODE of STOCKBRIDGE, GEORGIA Codified through Ordinance No. 20-485, adopted December 22, 2020. (Supp. No. 49, 4-21)

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This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality.

Applicable Zoning District
Showing
Permitted/Conditional Land Uses
and
Bulk Regulations

12.01.110 - 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 12.01.110(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 12.02, 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 12.01.110(A): Conversion of Previous Zoning Districts

Previous Zoning District Designation	Zoning District Designation under this Zoning Code
Residential Zoning Districts	
<i>RA, Residential-agricultural district</i>	<i>RA, Residential-agricultural district</i>
<i>R-1, Single family residential district</i>	<i>R-1, Single family residential district</i>
<i>R-2, Single family residential district</i>	<i>R-2, Single family residential district</i>
<i>R-3, Single family residential district</i>	<i>R-3, Single family residential district</i>
<i>RD, Residential duplex district</i>	<i>RD, Residential duplex district</i>
<i>RM, Multifamily residential district</i>	<i>RM, Multifamily residential district</i>
RM-1	RM-1
RM-2	RM-2
RM-3	RM-3
N/A	<i>RS, Residential suburban district</i>

RMH, <i>Mobile or manufactured home development district</i>	RMH, <i>Mobile or manufactured home development district</i>
Commercial, Office and Institutional Zoning Districts	
OI, <i>Office-institutional district</i>	O-I, <i>Office-institutional district</i>
C-1, <i>Neighborhood commercial district</i>	C-1, <i>Neighborhood commercial district</i>
C-2, <i>General commercial district</i>	C-2, <i>General commercial district</i>
C-3, <i>Highway commercial district</i>	C-3, <i>Highway commercial district</i>
Industrial Zoning Districts	
M-1, <i>Light manufacturing</i>	M-1, <i>Light manufacturing</i>
M-2, <i>Heavy manufacturing district</i>	M-2, <i>Heavy manufacturing district</i>
X-1, <i>Railroad District</i>	X-1, <i>Railroad District</i>
Mixed Use Districts	
PD	Deleted
PTD, <i>Planned town development district</i>	PTD, <i>Planned town development district</i>
MUND, <i>Mixed use neighborhood development district</i>	MUND, <i>Mixed use neighborhood development district</i>
IAC, <i>Interchange activity center district</i>	Deleted
TND, <i>Traditional neighborhood development</i>	TND, <i>Traditional neighborhood development</i>
CD, <i>Conventional development</i>	CD, <i>Conventional development</i>

12.02.043 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.
- E. Development standards of the C-2 District are described in Table 12.02.043.

Table 2.04.03 C-2 Development Standards

EXPAND

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

12.02.042 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 on 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.

Applicable Off - Street Parking Requirements

12.08.020 - Off-street parking and loading requirements.

12.08.021 *Purpose and Intent.* The intent of Section 12.08.020 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.

12.08.022 *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.

12.08.023 *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.

12.08.024 *Calculation of Required Parking Spaces and Loading Spaces.*

- A. Table 12.08.025(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 12.08.028.

12.08.025 *Parking and Loading Space Standards.* Table 12.08.025(D) presents standards for parking and loading spaces. Where a use is not listed in Table 12.08.025(D), the development director shall determine the appropriate parking and loading standard. The determination shall be based on the standards for similar uses.

Table 12.08.025(D) Parking and Loading Space Standards

Use Group	Example of Types of Use	Minimum Requirement
-----------	-------------------------	---------------------

All areas are expressed in spaces per gross square feet of building area unless ground area or some other measure is specified

Adult entertainment establishments		10 per 1,000 sq. ft.
Assembly places with fixed seating	Stadiums/auditoriums Theaters/amphitheaters	1 per 4 fixed seats
Assembly places without fixed seating	Meeting halls Libraries	1 per 35 sq. ft. in largest assembly room
Auto dealerships, sales & service	New car sales Used car sales Service and parts	6.5 per 1,000 sq. ft.
Bowling alley		5 per alley
Child care kindergarten	Day care centers Pre-school	1.7 per 1,000 sq. ft. + 1 per 4 employees on the largest shift
Churches and other places of worship	Churches Cathedrals Temples	1 per 3.5 fixed seats in the largest assembly area
Without fixed seating		1 per 30 sq. ft. in largest assembly area
Clubs and lodges	Country clubs Fraternal organizations	5 per 1,000 sq. ft.
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.

Commercial, amusement, outdoor	Amusement parks Skateboard parks Batting cages	1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats; plus 10 per 1,000 sq. ft. of ground area identified for recreation and assembly
Custodial care	Halfway houses	2.5 per 1,000 sq. ft.
Dormitories and related	Dormitories Fraternity houses Sorority houses Boarding houses	1 per bedroom + 5 per 1,000 sq. ft. of common area
Festivals, outdoor	Horse shows Carnivals Dog shows Arts and crafts	2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial institutions	Banks Credit unions Brokerage houses	5 per 1,000 sq. ft.
Funeral homes		1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room
Golf course, public and private, without club facilities		50 spaces per 9 holes
Health care facilities	Hospitals Out-patient clinics Convalescent home Nursing home	1 per 4 beds + 1 per 3 employees
Hotels and motels, no restaurants	Apartment hotels Hotels Motels	1 per room

With restaurants		1.25 per room
Industrial and manufacturing	Assembly plants Fabrication plants Factories	1 per 1,000 sq. ft.
Laboratories, scientific and related	Experimental labs Fabrication plants Factories	2.5 per 1,000 sq. ft.
Medical offices Related facilities	Dental offices Doctor's offices Veterinary offices Clinics	4 per 1,000 sq. ft.
Mini-warehouses		1 per employee + 1 per 5,000 sq. ft.
Offices, general	Freestanding offices Office towers Office parks Offices associated with other uses	3 per 1,000 sq. ft. to 250,000 sq. ft.; 2.8 per 1,000 sq. ft. all exceeding 250,000 sq. ft.
Personal service establishments	Barber shops Beauty parlors Laundromats/dry cleaners	5 per 1,000 sq. ft.
Race track		1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats, + 10 per 1,000 sq. ft. of other spectator area.

Recreational facilities, indoor	Billiard parlors Game rooms Arcades Skating rinks Physical fitness centers Museums	5 per 1,000 sq. ft.
Recreation, private	Tennis court Basketball court	3 per court 4 per court
Single family or mixed residential use, association or club	Swimming pool	6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served
Multifamily residential		Included in basic parking requirement
Recreation, public	Basketball court Playing fields Tennis courts Driving range Miniature golf Swimming pool	4 per court 50 per field 3 per court 2 per tee 20 per 18 holes 20 + 1 per 50 sq. ft. of pool area
Recycling centers		1.5 spaces per 1,000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container; plus loading spaces.
Residential, multifamily (fewer than 40 units/acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.4 per unit 2.0 per unit 2.25 per unit
Residential multifamily high-rise (40 + units' acre)	1 bedroom or efficiency unit 2-bedroom unit 3-bedroom unit	1.25 per unit 1.75 per unit 2.00 per unit

Residential, single family	Detached dwelling Duplexes Mobile homes	2 per dwelling unit
Residential, retirement home	Retirement homes Retirement village	1.25 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating)	Cafeterias Bars Dance clubs Restaurants Music clubs Bistros	10 per 1,000 sq. ft.
Retail establishments	Boutiques Shops Stores Rental services Art galleries Food stores	5 per 1,000 sq. ft.
Roadside stand		6 + 5 per 1,000 sq. ft. ground area
Salvage, storage and/or junk facility		1 per employee plus 4 per acre
Schools	Junior high Elementary Middle	Larger of 2 per classroom or 1 per 35 sq. ft. in largest assembly area
	Secondary	Larger of 10 per classroom or 1 per 35 sq. ft. in largest assembly area
	Colleges/Business colleges Tech/universities/trade Conservatories	5 per 1,000 sq. ft.

Service and repair establishments	Appliance repair shops Bicycle repair shops Shoe repair shops General repair centers	5 per 1,000 sq. ft.
Service stations and automotive repair centers	Automotive garages Paint and body shops Tire centers Service stations	5 per 1,000 sq. ft.
Warehousing and storage	Commercial storage Distribution centers	1 per 2,000 sq. ft.

Loading spaces required. Off-street loading spaces shall be provided as follows:

Table 12.08.025(E) Off-Street Loading

Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	None
	20,000 to 49,999	One
	50,000 to 250,000	Two
	Over 250,000	Three
Shopping centers	0 to 19,999	None
	20,000 to 49,999	One
	50,000 to 100,000	Two
	Each additional 100,000	One

Office buildings, Apartment building over four stories, Hospitals, health care establishments, Hotels and motels	0 to 999,999 1,000,000 to 2,000,000 More than 2,000,000	None One Two
Manufacturing, warehousing, wholesaling, etc.	Up to 14,999 15,000 to 39,999 40,000 to 65,000 Each additional 80,000	One Two Three One
Recycling centers		2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance

12.08.026 *Parking Spaces for Disabled Individuals.*

- A. All uses shall provide parking spaces designated for access by disabled individuals.
- B. Table 12.08.026(B) presents specifications for parking for disabled individuals.

Table 12.08.026(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.

12.08.027 *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 12.08.027(H) shall be used to achieve compliance with parking provisions

of this chapter.

Table 12.08.27(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 12.08.027(I).

Table 12.08.027(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 12.08.027(J) Off-Street Loading Stall Design

<i>Wholesale and Industrial Uses:</i>	
Width	10 feet
Length	50 feet
Overhead clearance	14 feet
<i>All Other Uses:</i>	
Width	10 feet
Length	35 feet
Overhead clearance	14 feet

12.08.028 *Shared Parking Arrangements.*

- A. Adjacent uses, multiple uses within a unified development, or establishments with multiple tenants of different uses may provide shared parking facilities. Such shared parking facilities may have a reduced quantity of parking as compared to the sum of parking spaces required for each individual use.
- B. Where shared parking facilities are proposed, the following standards shall be met:
 - 1. There shall be a paved driveway connection between the adjacent developments such that automobiles may move from one (1) parcel or use to the adjacent parcel or use without exiting to the public street.
 - 2. There shall be a designated pedestrian connection from all uses to the shared parking facility.
 - 3. The owners of developments involved shall execute a cross-access and cross-parking agreement, provided in a recordable instrument, acceptable to the city. The agreement shall guarantee the joint use of a specified number of parking spaces.
 - 4. The number of spaces in the shared parking facility shall be determined by one (1) of the methods in subsection 12.08.28.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.

- 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 12.08.25(D).
 - b. Multiply each amount by the corresponding percentages from Table 12.08.028(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 12.08.028(C) Shared Parking Demand Calculations

General Land Use	Week Days		Weekend		Nighttime 12 M—6 a.m.
	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	
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%

12.08.029 *Administrative Reduction of Spaces Constructed.* The director of community development/planning and zoning may authorize a reduction in the total number of parking spaces constructed on a site to no less than ninety percent (90%) of the basic requirement when all of following conditions are met: The request for reduction in parking shall show that the reduction is justified on the basis of characteristics unique to the specific proposed use of the property in contrast to the characteristics of other uses within the same category.

- A. Adequate land area for meeting the basic parking requirement is located on and designed for the site whether at grade or in parking decks. The unconstructed portion of the parking shall be clearly delineated and labeled "Future Parking" on the site plan.
- B. Prior to granting the reduction in total parking spaces constructed, the director of community development/planning and zoning shall conclude that the reduction is justified, and shall approve, in whole or in part, or deny the request stating the reasons therefore in the report.
- C. If the director of community development/planning and zoning finds that the parking reduction is no longer justified, the director shall notify the owner to construct the number of parking spaces necessary to meet the required level.
- D. Prior to any change in ownership or use, the owner must apply to the director of community development/planning and zoning for an evaluation and confirmation of the reduction.

12.08.030 *Acceptable Locations for Off-Street Parking.* Note: The minimums required in this subsection may be less than the requirements necessary to accommodate the landscape area or buffer requirement of Chapter 5, Tree Protection and Landscaping. At a minimum, all required parking spaces must be located on an all-weather surface.

- A. Single Family Districts. Within single-family dwelling districts, the parking or storage of vehicles shall be prohibited except on parking spaces as defined in Article A. Off-site location of required parking spaces is prohibited. Unenclosed parking spaces may occupy a side yard, and no more than fifty percent (50%) of a required rear yard. A maximum of two (2) spaces may be permitted adjoining the entrance to a front entry garage or carport or adjoining the end of a driveway whenever no garage or carport exists. Garage and carport spaces may count toward the minimum required spaces in single family districts.

Within single family districts when utilized for other than a single-family dwelling, the parking or storage of vehicles shall be located in accordance with the O-I District requirements.

The visible storage or parking of more than four (4) vehicles at a single-family residence shall be unlawful. Parking or storage of a junk or salvage vehicle shall constitute an unlawful use except that no more than two (2) such vehicles shall be permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.

- B. RM-2 Residential Townhouse District. Individually subdivided parcels shall adhere to single-family district standards except that no off-street parking or driveways shall be located within ten (10) feet of any perimeter lot line. Garage carport spaces count toward the minimum required spaces in the RM-2 District.
- C. RM-1 Apartment Dwelling District. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be located nearer than ten (10) feet to any side or rear property line. No off-street parking space shall be located within twenty-five (25) feet of any

side or rear property line adjacent to a single-family dwelling district or use, nor within ten (10) feet of any other property line. RM-2 District requirements shall apply to single-family detached units constructed within the RM-1 District.

D. O-I-T, Office/Institutional Districts. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. No off-street parking shall be permitted within twenty-five (25) feet of any property line which adjoins a single-family residential district or use. Off-street loading areas shall be provided in the rear or interior side yards.

E. C-1 and C-2, Commercial Districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the RM-1 Districts.

Uses permitted in commercial districts other than those devoted to dwellings, schools, institutions, and similar uses shall provide no off-street parking within twenty-five (25) feet of any property line that adjoins a residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards. Minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer required in Chapter 5, Tree Protection and Landscaping.

F. I-1 and I-2, Industrial Districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the A District.

Uses devoted to manufacturing, warehousing, commercial and other uses permitted in industrial districts shall provide no off-street parking within twenty-five (25) feet of any property line which adjoins a residential use or district.

12.08.031 *Limitation on Trucks.* Except for trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding four (4) tons empty weight shall not be stored or parked in any residential zoning district unless engaged in moving household goods or making deliveries.

12.08.032 *Shared Driveways.* Driveways may be shared in all districts.

12.08.033 *Off-Site Location of Required Parking.* An administrative permit for off-site parking may be considered in accordance with the provisions of this article.

12.08.034 *Landscape Areas and Buffers.* No required parking shall be permitted in any required landscape area or buffer.

12.08.035 *Vehicles at Automotive Repair and Specialty Shops.* Vehicles at automotive repair and specialty shops must be serviced and stored within the footprint of the building or at the rear of the structure but outside of any minimum yard. Vehicles must be totally screened from all property lines by a one hundred percent (100%) opaque fence or wall together with landscape strips and buffers as specified by Chapter 5, Tree protection and Landscaping.

12.08.036 *Off-Street Parking Design Requirements Angled or Parallel Parking.* Aisles serving off-street parking shall be no fewer than twenty-two (22) feet in width, except that aisles designed for one-way circulation systems shall be no fewer than fourteen (14) feet in width for 0-45-degree parking, eighteen (18) feet in width for 46- to 60-degree parking and twenty-two (22) feet in width for 61- to 90-degree parking. A standard parking space shall measure no fewer than one hundred fifty-three (153) square feet and shall be no fewer than eight and one-half (8.5) feet wide. Twenty percent (20%) of the total parking spaces may be designated as compact car spaces. A compact space shall measure a minimum of one hundred twenty (120) square feet with a minimum width of eight (8) feet. Each compact space shall be clearly marked. No part of a vehicle shall overhang into a landscaped portion of a required landscape area.

12.08.037 *Landscape Islands*. Landscape islands shall be provided throughout parking lots in accordance with the requirements of Chapter 5, Tree Protection and Landscaping of this chapter.

12.08.038 *Handicapped Parking*. Parking spaces designed for handicapped persons shall be provided in accordance Georgia law.

12.08.039 *Parking for Specialized Vehicles*. Specialized vehicles such as earth moving equipment, tractors or other heavy construction vehicles are only to be stored in residential, agricultural districts and non-residential districts except I-1 and I-2 industrial districts during construction under an active building permit and/or land disturbance permit. Other specialized vehicles such as recreational vehicles, campers, buses (including school buses), trailers, mobile home coaches, boats and boat trailers may be parked or stored in all residential districts under the following conditions: (Also see Section 12.08.031 for trucks.)

- A. That such vehicles are not used as living quarters.
- B. That the location of the parking or storage area shall be in the buildable area of the lot and shall not be in front of the principal structure.

(Ord. No. 16-412, § 2(Exh. A, § 8.02.00), 7-26-2016; Ord. No. 18-470, § 1, 8-28-2018)

Provisions for Noncompliance / Nonconformities

Chapter 12.11 - NONCONFORMANCE, VARIANCES, ADMINISTRATIVE WAIVERS, VESTED RIGHTS, AND CONDITIONAL USES

12.11.000 - Generally.

This chapter establishes procedures for obtaining relief from the provisions of this Zoning Code where hardship would otherwise occur. Section 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.

(Ord. No. OR16-412, § 2(Exh. A, § 11.00.00), 7-26-2016)

12.11.010 - Nonconforming lots, structures and uses.

12.11.011 *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 Section 12.11.010 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 Section 12.11.010 shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures, or structures that contain nonconforming uses, provided the following circumstances exist:
 - 1. Repairs do not exceed ten (10) percent of the current replacement cost of the nonconforming portion of the structure during any period of twelve (12) consecutive months; and
 - 2. The cubic area of the structure is not increased.
- E. A structure damaged by any means to an extent more than fifty (50) percent of replacement cost at the time of the occurrence shall be rebuilt only in conformity with this 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 fifty (50) percent of the fair market

value may be restored and occupied as before the damage, provided the following condition is met:

1. Restoration shall be commenced within six (6) months from the date damages were incurred.

Rebuilding and use of the land or structure not commenced within six (6) months shall thereafter conform to the provisions of this 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.

12.11.012 *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 (2) or more lots, combinations of lots, and portions of lots that are in single ownership and have continuous frontage;
 2. A lot or a portion of a lot does not meet the standards of the zoning district for lot area and lot width;
 3. The combination of lots shall be considered to be an undivided parcel for the purpose of developing according to the site design standards of the zoning district;
 4. No portion of the undivided parcel shall be used or sold in a manner that does not comply with minimum lot area and minimum lot width requirements established by this 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.

12.11.013 *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.

12.11.014 *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.

12.11.015 *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 12.11.015.B. below, irrespective of the

requirements for nonconforming uses set forth in Sections 12.11.010 through 12.1.014, 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 sixty (60) calendar days.
 2. All site design standards for fencing, screening and buffering of commercial or industrial uses, as set forth in Chapter 12.04 of this Zoning Code, shall be met within sixty (60) calendar days.
 3. Nonconforming open storage operations, such as truck parking, automobile wrecking, salvage material storage, and similar uses, shall be rendered conforming within sixty (60) calendar days.

12.11.016 *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.

(Ord. No. OR16-412, § 2(Exh. A, § 11.01.00), 7-26-2016)

12.11.020 - Variances.

12.11.021 *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 12.12.

- 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 Section 12.11.023, below.

12.11.022 *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 12.12.0211.

12.11.023 *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.

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. Reserved.
- 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)

12.11.040 - Vested rights.

The purpose of Section 12.11.040 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.

12.11.041 *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.

(Ord. No. OR16-412, § 2(Exh. A, § 11.04.00), 7-26-2016)

12.11.050 - Conditional uses.

12.11.051 *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 12.04 for uses subject to conditional use approval.

12.011.052. *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.

(Ord. No. OR16-412, § 2(Exh. A, § 11.05.00), 7-26-2016)

General Definitions

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 shall 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.

- (1) *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.

- (2) *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.
- (3) *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.
- (4) *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.
- (5) *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 Zoning Code 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.

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.

- (1) *Accessory building.* A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.
- (2) *Building addition.* Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall.
- (3) *Building frontage.* The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.
- (4) *Building permit.* The permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.
- (5) *Elevated building.* A 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.
- (6) *Height of building.* See "building height."
- (7) *Principal building.* The building or structure in which the primary use permissible on the lot is conducted. In 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.

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.

Carpport. 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:

- (1) 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;
- (2) 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
- (3) 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:

(1) *Consumer goods sales and service, other.*

- a. Apparel stores.
- b. Antique and art shops, provided there is no outdoor display area.
- c. 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.
- d. Bakeries, whose entire products are sold at retail on the premises.
- e. Books, stationery and card shops.
- f. Clothes cleaning agencies, pressing establishment, laundry pickup stations.
- g. Confectionery (candy) stores.
- h. Custom dress making or millinery shops.
- i. Drug stores and apothecary shops.
- j. Electrical appliance repair shops.
- k. Florist and gift shops.
- l. Gift and card shops.
- m. Hardware and appliance stores selling predominantly at retail.

- n. Jewelry stores.
- o. Laundromats.
- p. Loan offices.
- q. Music stores.
- r. Neighborhood shopping centers.
- s. News and tobacco shops.
- t. Package (beer and wine) stores.
- u. Paint and decorating stores.
- v. Photographers (including the sale of supplies and equipment).
- w. Quick copy print shops when employing not more than five (5) employees.
- x. Radio/television repair (including the sale of supplies and equipment).
- y. Shoe stores and shoe repair shops.
- z. Tailors and clothing shops.
- aa. Automotive service, minor.
- bb. Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(1) *Durable consumer goods sales and service.*

- a. Auction gallery.
- b. Automobile wash.
- c. Community and regional shopping centers.
- d. Department stores.
- e. Furniture stores.
- f. Professional type assembly and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
- g. Parking lots and structures.
- h. Printing, job, when mechanical operation is not visible from a street, and employing not more than four (4) persons.
- i. Stationery and office machines sales and service.
- j. Upholstery shops.
- k. Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(3) *Heavy consumer goods sales and services.*

- a. Boat sales.
- b. Automotive service, major.
- c. Feed and seed stores.
- d. Heavy equipment sales and service.
- e. Recreational vehicle sales and service.
- f. Tire retreading.

- g. Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.
- h. 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 (greater than twenty-five (25) percent) and public land. For mixed use and interchange activity center zoning districts net density can include open space in the calculation as long as open space is used for passive recreation.

Department 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 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.

Development impact fee. The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Development of regional impact (DRI). A development project, regardless of the mix of land uses, which is likely to have impacts to the transportation network and environment beyond the limits of the jurisdiction in which it is being constructed.

Development or single development. Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, clearing, digging, filling, dredging, excavating, grading, grubbing, mining, paving, removal of vegetation, stripping, drilling operations, storage of equipment or materials, transportation and filling of land, and any other installation of impervious cover; land development or land development project.

- (1) *New development.* A land development activity on a previously undeveloped site.
- (2) *Post-development.* The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.
- (3) *Pre-development.* The time period, or the conditions that exist on a site, prior to the commencement of land alteration, clearing, construction, or other activity that constitutes development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Development rights. A governmentally recognized entitlement to use or develop land at a certain density, or intensity, or for a particular purpose, which may be severed from the realty and placed on some other property.

- (1) *Receiving area.* The region or district where development rights may be affixed to property.
- (2) *Receiving property.* The lot or parcel where development rights are affixed, thereby increasing the permissible density or intensity of use on the property.
- (3) *Sending area.* The region or district where development rights may be removed for purposes of transfer to another location.
- (4) *Sending property.* The lot or parcel where development rights are removed, thereby eliminating permissible uses on the property.
- (5) *Transfer of development rights.* The process by which development rights from a sending property are affixed to one (1) or more receiving properties.

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.

- (1) *Roadway drainage structure.* A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Drive-in. A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Drive-in restaurant. Any place or premises used for sale, dispensing or servicing of food, refreshment or beverages in automobiles or other vehicles, including those establishments where customers may consume same on the premises.

Dwelling. A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

- (1) *Accessory dwelling.* A dwelling unit established within the principal building or in a separate structure, and on the same lot as the principal structure. It is an independent dwelling unit, but it may share an entrance, yard and parking with the principal unit.
- (2) *Duplex or two-family.* A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.
- (3) *Multifamily.* Three (3) or more dwelling units in one (1) building with the number of families in residence not exceeding the number of dwelling units provided.
- (4) *Single-family.* One (1) dwelling unit in one (1) building, other than a mobile home, hotel or motel, designed for and occupied by one (1) family, containing rooms for living, sleeping, toilet facilities and one (1) kitchen, that meets the standards set forth in Section 12.04017.
- (5) *Townhouse.* One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by a coincidental property line and party wall partitions. The structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Each dwelling unit must be separately metered for all utilities, have access to a public street and the coincidental property line and wall must be fire-rated and extend from the foundation or ground (whichever is lower) to the roof decking of the structure. Each dwelling unit shall contain rooms for living, sleeping, toilet facilities and one (1) kitchen.

Dwelling unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living,

sleeping, toilet and a single kitchen with cooking facilities.

E

Easement. A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

- (1) *Conservation easement.* An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.
- (2) *Drainage easement.* An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

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.

(1) *Primary (front) facade.* The exterior wall surface(s) across the building front, extending from grade to top of the parapet, wall, gable, or eaves and from side corner to side corner that are visible from any location on the street or main parking area and includes the primary entrance into the building. If the building faces more than one (1) parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

(2) *Secondary facade.* Any exterior wall of a building, other than the primary facade.

Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, fraternity or sorority house.

Farm. A farm includes all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

Fee payor. 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:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Flood hazard area. The area possibly threatened by periodic flooding as determined by various data, e.g., maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a one-hundred-year return frequency.

Flood hazard boundary map or FHBM. An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map or FIRM. The official map of The City of Stockbridge, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Such FIRM as relates to property located within The City of Stockbridge is incorporated by this reference as if fully set forth herein.

Flood insurance study or FIS. The official report, prepared and issued by the Federal Insurance Administration of the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood, which FIS is incorporated by this reference as if fully set forth herein.

Floodplain. Any land area susceptible to flooding with at least a one-percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

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 regulatory 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.

(1) *Finished grade.* The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

(2) *Highest adjacent grade.* The highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

Grade (roadway). The slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a two-percent grade represents two (2) feet of elevation change over a one hundred-foot distance.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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 Chapter 8.37 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:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any 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

- (2) 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 fee payor 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.

- (1) *Corner lot.* A lot abutting two (2) or more streets at their intersection, or bounded on two (2) or more adjacent sides by street right-of-way lines.
- (2) *Double frontage lot (through lot).* A lot, other than a corner lot, that has frontage upon two (2) or more streets that do not intersect at a point abutting the property.
- (3) *Flag lot.* A lot with uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure.
- (4) *Interior.* A lot other than a corner lot or a through lot.

Lot depth. The average horizontal distance between the front and rear lot lines. (Lot definitions are illustrated in figure A.1.) [not available]

Lot line (property line). The property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

Lot width. The horizontal distance between the side lot lines measured along the street right-of-way lines.

Lot of record. An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of Henry County, Georgia, or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of Henry County.

Lowest floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Zoning Code.

M

Manufactured home. A structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Manufactured homes are built or fabricated in an offsite facility on or after June 15, 1976 and installed or assembled on the home site. They must meet U.S. Department of Housing and Urban Development (HUD) construction requirements. Manufactured homes may be single- or multi-section and are transported to the site and installed with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

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 of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Mayor and council. Mayor and Council of the City of Stockbridge, Georgia.

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.

(1) *Extended stay motel or hotel.* A motel providing sleeping accommodations, sanitary facilities, and kitchen facilities, intended for overnight or weekly use.

Move in house or structure. Pre-existing dwelling or structure relocated to another lot or on the same lot.

N

National 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 colloiddally 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 pollution is 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"):

- (1) *Category A.* Wetland stream buffers; 100-year flood hazard areas, undisturbed buffers between various land uses, roadside buffers, wildlife sanctuaries, and other forms of buffers, if owned by the developer or a property owners association;
- (2) *Category B.* Improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;
- (3) *Category C.* Improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;
- (4) *Category D.* State waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and
- (5) *Category E.* Land donated to a governmental entity for public use, provided such land is not located in a wetland or 100-year flood zone.

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:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

- (2) Day-to day operational control of those activities that are necessary to ensure compliance with 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:

- (1) Parks, open space, and recreation areas and related facilities; and
- (2) Public safety facilities, including police, inmate housing, fire, animal control, emergency medical, and rescue facilities;
- (3) Libraries and related facilities; and
- (4) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of state or federal highways.

Public streets. Right-of-way dedicated to the county or owned by the county for public street purpose.

Public utility. Firm, corporation, or local government authorities providing gas, electricity, communications service, and similar essential services.

Public water facilities. Mains and service lines owned and operated by the City of Stockbridge, the Henry County Water and Sewage Authority, or when approved by the Mayor and 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:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled, driven or hauled, or permanently towable by light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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:

- (1) *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.
- (2) *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.
- (3) *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.

- (1) *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.
- (2) *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.
- (3) *Animated sign.* See flashing sign.
- (4) *Awning sign.* Any sign on a cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure.
- (5) *Back-to-back sign.* A sign with two (2) parallel sign faces oriented in opposite directions.
- (6) *Banner sign.* See "temporary sign."
- (7) *Beacon.* See "temporary sign."
- (8) *Bench sign.* See "ground sign."
- (10) *Billboard.* An outdoor advertising sign, typically drawing attention to activities on premises other than the sign location.
- (11) *Blade sign.* See "projecting sign" or "swinging sign."
- (12) *Bracket sign.* See "projecting sign" or "swinging sign."
- (13) *Canopy sign.* See "wall sign."
- (14) *Changeable copy sign.* See "flashing sign."
- (15) *Decal.* A picture, design or label made to be transferred (as to glass, wood, metal or any other hard object) from specially prepared paper.
- (16) *Detached sign.* See "ground sign."
- (17) *Door sign.* See "wall sign" or "window sign."
- (18) *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.
- (19) *Externally illuminated signs.* Any sign illuminated by an external light source directed primarily toward such sign.
- (20) *Fascia sign.* See wall sign.
- (21) *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.
- (22) *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.
- (23) *Flat sign.* See wall sign.
- (24) *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.

- (25) *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.
- (26) *Height, sign.* The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.
- (27) *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.
- (28) *Mansard sign.* See "roof sign" or "wall sign."
- (29) *Marquee sign.* See "flashing sign."
- (30) *Mobile sign.* See "temporary sign."
- (31) *Monument sign.* See "ground sign."
- (32) *Moving sign.* See "flashing sign."
- (33) *Multiple message sign.* See "flashing sign."
- (34) *Nonconforming sign.* Any sign which does not conform to the provisions of this Zoning Code at the date of adoption of same.
- (35) *Painted wall sign.* See "wall sign."
- (36) *Parapet sign.* See "wall sign."
- (37) *Pennant.* See "temporary sign."
- (38) *Pitched roof sign.* See "roof sign."
- (39) *Pole sign.* See "ground sign."
- (40) *Portable sign.* See "temporary sign."
- (41) *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.
- (42) *Pylon sign.* See "ground sign."
- (43) *Readerboard.* See "flashing sign."
- (44) *Reflectors.* Any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.
- (45) *Revolving sign.* See "flashing sign."
- (46) *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.
- (47) *Rotating sign.* See "flashing sign."
- (48) *Sandwich sign.* See "temporary sign" or "hand-held sign."
- (49) *Searchlight.* See "temporary sign."
- (50) *Shingle sign.* See "projecting sign" or "swinging sign."
- (51) *Sidewalk sign.* See "temporary sign."
- (52) *Sign face.* See "signable area."
- (53) *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.

- (54) *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.
- (55) *Streamer.* See "temporary sign."
- (56) *Subdivision internal sign.* Any sign placed at the intersection of two (2) public roads inside a residential subdivision.
- (57) *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.
- (58) *Suspended sign.* See projecting sign or swinging sign.
- (59) *Swinging sign.* Any sign which is mounted such that the sign may freely move back and forth.
- (60) *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:
 - a. Sky lights;
 - b. Balloons;
 - c. Streamers;
 - d. Flag strings;
 - e. Inflatable displays;
 - f. Banners;
 - g. Beacons;
 - h. Searchlights;
 - i. Pennants; and
 - j. Mechanical or animated figures.
- (61) *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.
- (62) *Wall sign.* Any sign which is attached parallel to or painted on an exterior building wall, which may include a door.
- (63) *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.

Small Box Discount Store. A retail store (a) with floor area less than twelve thousand (12,000) square feet (b) that primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and (c) continuously offers and advertises a majority of the items in their inventory for sale at a price less than ten dollars

(\$10.00) per item. Small box discount store shall not include the following: drug stores or a convenience stores attached to or collocated with gas stations.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Henry County Soil and Water Conservation District.

Solid waste management facilities. Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating, or disposal of garbage, sewage, rubbish, offal, oil field wastes, hazardous waste, or other waste material originating on or off the premises.

Special event. A gathering or event for which the promoter or other person, firm, or corporation holding or producing the event must obtain a permit.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stable, private. A stable with a capacity of not more than 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).

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:

- (1) Owned or maintained by the City of Stockbridge;
- (2) Not a combined sewer; and
- (3) Not a part of a publicly-owned treatment works.

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.

- (1) *Off-site facility.* A stormwater management facility located outside the boundaries of the property being developed.
- (2) *On-site facility.* A stormwater management facility located within the boundaries of the property being developed.
- (3) *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.)

- (1) *Alley.* A strip of land providing vehicular and pedestrian access to the rear of properties which abut and are served by a public street.
- (2) *Boulevard.* A street developed with two (2) one-way pavements separated by a landscaped median.
- (3) *Collector street.* A public street whose function is to collect traffic from local streets and neighborhoods and connects to another public street of equal or greater classification. A collector may also provide direct access to adjacent properties.
- (4) *Cul-de-sac.* A dead-end local street, of limited length, opened at one (1) end and closed at the other by a permanent turnaround.
- (5) *Dead-end street.* A local street open at one (1) end and closed at the other.
- (6) *Expressway.* The expressway system includes high volume limited access thoroughfares through the county and region beyond.
- (7) *Frontage road.* A street which is parallel to, and adjacent to major thoroughfare and which provides access to abutting properties and protection from through traffic.
- (8) *Local street.* A public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.
- (9) *Major arterial.* A public street whose primary function is to connect two (2) highways of equal or greater classification or capacity, provide primary access to a large land area, provide access to a large traffic generator, or connect two (2) or more towns or communities. The secondary function is to provide local access.
- (10) *Minor arterial.* A public street that serves an intermediate function between collectors and major arterials, and also serves as a traffic feeder to major arterials and for cross-country and regional travel.
- (11) *Stub street.* A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

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.

- (1) *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.
- (2) *Structure, accessory or accessory use.* A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

Subdivision. The division of a parcel or tract of land into more than one (1) or more lots or building sites for the purpose, whether immediately or in the future, of sale, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

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.

- (1) *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.
- (2) *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.

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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.

- (1) *Monopole tower.* A cylindrical self-supporting communications tower constructed as a single spire.
- (2) *Stealth tower/facility.* Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles and structures designed to resemble natural features such as trees and rock outcroppings.

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.

- (1) *Director of transportation planning.* The director of transportation planning [or county engineer], or his or her designee.
- (2) *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.
- (3) *Internal trips.* Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode, such as walking.
- (4) *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:

- a. Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.
 - b. Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.
 - c. Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.
 - d. Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.
 - e. 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.
 - f. 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.
- (5) *New trips*. Total vehicle trips, minus pass-by trips, minus internal trips, if applicable.
 - (6) *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.
 - (7) *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.
 - (8) *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.
 - (9) *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.
 - (10) *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.
 - (11) *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.
 - (12) *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.

- (1) *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:

- (1) 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
- (2) 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 of 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.

- (1) *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.
- (2) *Above ground level (AGL).* A measurement of height from the natural grade of a site to the highest point of a structure.
- (3) *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.
- (4) *Administrative approval.* Zoning approval that the director of the planning and zoning department, or his designee, is authorized to grant after administrative review.
- (5) *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.
- (6) *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.
- (7) *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.
- (8) *Coverage.* The geographic area reached by an individual wireless telecommunications facility installation.
- (9) *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.
- (10) *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.

- (11) *Minor modifications.* The addition, removal or change of any of the physical and visually discernable components of an existing telecommunications facilities or support structures, that result in some material change to a facility or support structure but of a level, quality or intensity that is less than a "substantial" change. Such modifications include, but are not limited to, collocations of new telecommunications facilities, extending the support structure by less than twenty (20) feet, and the expansion of the compound area for additional equipment.
- (12) *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.
- (13) *Provider.* Any entity licensed by the FCC to provide subscriber-based personal wireless telecommunications services.
- (14) *Radiofrequency engineer.* An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
- (15) *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.
- (16) *Support structure.* A freestanding structure, with or without a foundation designed to support antennas including, but not limited to, monopoles and towers.
- (17) *Telecommunications.* The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- (18) *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.) [not available]

- (1) *Front yard.* That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. The front yard of a corner lot shall include the yard abutting the street with the least frontage, unless otherwise determined

on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

- (2) *Rear yard.* That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot. The rear yard of a corner lot shall not include the yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed.
- (3) *Side yard.* The area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Z

Zero lot line. The location of building on a lot in such a manner that one (1) or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one (1) side of their lot.

Zoning district. The use classification of parcels of land as generally defined under this zoning code.

Additional Chapter 12.02 Definitions:

"Alleys" or "alleyways." An alley or alleyway shall mean a private alley located in the rear of residential uses that provides residents with vehicular access to their residences. Alleys shall be maintained by the adjoining property owners, homeowners' associations or condominium/apartment associations. Alleys shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen (18) feet (18') in width and sixteen (16) feet thereof shall be paved with concrete or asphalt. Concrete alleys shall be reinforced and have a minimum depth of six (6) inches with appropriate base. Asphalt alleys shall consist of a minimum of two (2) inches of type "E" or "F" asphalt topping, binder, and six (6) inches of graded aggregate base. Private alleys, at a minimum, shall be constructed to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters are not required. Private alleyways shall not have dead ends but, in limited circumstances and upon specific approval by the city, may have cul-de-sacs where the alley serves a small number of residences or the topography of the land makes an exit impracticable.

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

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

"Carport" shall mean a covered structure used for housing two (2) vehicles that has the following minimum dimensions: vehicular entrance height, eight (8) feet; interior height, eight (8) feet; vehicular entrance width, sixteen (16) feet; and overall carport width and depth, twenty-four (24) feet. The floor shall be constructed of concrete. Concrete

floors shall be reinforced, where appropriate, and a minimum of four (4) inches 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.

"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.

"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.

"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.

"County" means Henry County or its designee.

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

"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.

"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."

"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" 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.

"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.

"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 (8) feet; interior height, ten (10) feet; vehicular entrance width, sixteen (16) feet; and overall garage width and depth, twenty-four (24) feet. The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four (4) inches 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.

"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.

"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 (50) percent of the horizontal area of the deck is included in the measurement of impervious cover.

"Loft-apartment." A loft-apartment is an apartment as defined in the RM ordinance, former 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, former 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."

- (1) 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.
- (2) 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.

"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.

"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.

"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 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.

"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.

"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.

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

"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.

"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.

"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 (14,250) square feet.

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

"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.

"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 (18) feet in width, and sixteen (16) feet 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 (2) inches of type "E" or "F" asphalt topping, binder and six (6) inches 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.

"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.

"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 (8) feet; interior height, ten (10) feet; vehicular entrance width, sixteen (16) feet; and overall garage width and depth, twenty-four (24) feet. The floor shall be constructed of concrete.
- (2) Concrete floors shall be reinforced, where appropriate, and a minimum of four (4) inches 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.

"Townhouses." Same as defined in the RM ordinance, former Section 8.36.100, of the Code of Ordinances for the city of Stockbridge, Georgia.

"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 (50) percent of the total residential lots of the development.

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

(Ord. No. OR16-412, § 2(Exh. A, App.A), 7-26-2016; Ord. No. 19-487, § 1, 7-8-2019)