

12.02.110 - Supplemental regulations.

The following standards shall apply to the specified use.

12.19.111 *Residential Growth Regulation* .

A. Purpose and Intent.

1. In addition to the following statements, the preamble of the ordinance codified in this section is incorporated herein by reference. The Atlanta Regional Commission (ARC) 2003 Population and Housing Report identifies Henry County as the fastest growing county in the metropolitan Atlanta Region overseen by ARC. Henry County has grown at a rate of seven (7) percent per year between the years 2000 and 2003. Atlanta's burgeoning southeastern population growth follows the path of Interstate 75 through Henry County. The city of Stockbridge is located in unincorporated Henry County along I-75.
2. According to the report, single-family housing has continued to dominate the market over the past three (3) years while multi-family housing developments have increased at significant rates in particular areas. Areas where multi-family development continues to grow is where land is located outside the perimeter of Interstate 285 and in close proximity and with good accessibility to interstates and highways. The city is located outside the I-285 perimeter and on I-75, Georgia State Highway 42 and Georgia State Highway 138.
3. As indicated in ARC's report, multi-family growth is occurring in the city at a rapid rate. The report correctly states that as of the close of 2003, the city's housing stock consisted of approximately sixty-eight (68) percent single-family housing, twenty-seven(27) percent multi-family housing and the remaining five (5) percent in the form of mobile homes. These percentages, however, do not reflect the approximately five hundred and seventy-one (571) multi-family units to be developed as a result of rezonings approved in 2003.
4. To address these growth trends, the mayor and city council wish to take proactive steps to accommodate and control the amount of single-family housing, multi-family housing and mobile home development within its boundaries. Thus, it is the intention of the mayor and city council and purpose of the ordinance codified in this section to encourage continued diversification of residential uses in the city as well as accommodate its fair share of the region's residential growth in a manner consistent with both the proximity of the city to the center of regional growth and the history of residential land uses developed in the city.

B. Residential Growth Limitation.

1. Single-family housing, which consists of single-family detached homes in an RA, R-1, R-2, or R-3 zoning classification in the city shall not comprise less than seventy (70) percent of the housing stock. Multi-family housing, which consists of the RM classification regulating apartments (RM-1), townhouses (RM-2), and condominiums (RM-3) and the RD zoning classification regulating duplexes, shall not comprise more than twenty-nine (29) percent of the city housing stock.

Mobile homes built under the RMH or grandfathered RM-75 zoning classifications shall not comprise more than one (1) percent of the city housing stock.

2. Within the category of single-family housing as described in subsection B.1. of this section, homes built under an R-3 zoning classification shall not exceed thirty (30) percent of the overall single-family housing stock for the city; and the remainder of the single-family housing stock developed under an RA, R-I, and R-2 zoning classification shall not be less than forty (40) percent of the overall single-family housing stock in the city.

C. Administration.

1. Housing Inventory. For purposes of determining whether or not a proposed development in the city will violate the residential growth limitations set forth in this section, the development director shall determine the housing inventory for the city. The housing inventory shall be based on the total number of housing units that could be built on land zoned for residential use and in accordance with the particular zoning district regulations applicable to the land. The housing inventory shall then be converted into percentages of single-family, multi-family and mobile homes for determination of compliance with the residential growth limitations set forth in subsection B.1. of this section. Furthermore, the housing inventory for all single-family uses shall be subdivided into percentages of high density single-family and low to medium density single-family use to determine compliance with the residential growth limitations set forth in subsection B.2. of this section.
2. Quarterly Residential Growth Report. The development director shall document all information required under subsection C.1. of this section in a quarterly residential growth report, and that report shall be presented to the city council at the first meeting of the council for each quarter. Thereafter, the development director shall submit that report to the ZAB. The quarterly residential growth report and the ordinance codified in this section shall be considered by the ZAB and the city council whenever they must respectively recommend or decide any amendment to the zoning ordinance, including the zoning map, use variance and any development agreements entered into for residential development of property in the city. The quarterly residential growth report shall be available to the public in the office of the city clerk.
3. No proposed rezoning of property for residential use shall be approved unless the potential or actual housing yield for the property will not violate the residential growth limitations set forth in subsection B. of this section, unless the developer agrees to cap the number of units to a level that would not violate this section.
4. At least once every ten (10) years after adoption of the ordinance codified in this section, the mayor and city council shall reconsider, and adjust if necessary, the residential growth limitations set forth in subsection B. of this section in light of regional and local growth trends and residential development.
- 5.

This section shall not be construed in any way to limit the authority of the city to annex property in accordance with the laws of the state of Georgia.

- D. Variances. Each quarter the city council shall have the authority to grant variances for up to a maximum of one hundred (100) dwelling units above the residential growth limitations set forth in subsection B. of this section upon a showing of undue hardship in accordance with the criteria set forth under Sec. 11.02.00. Variances of the Zoning Code. No administrative variances to this section shall be granted.
- E. Appeal.
1. Any person may appeal a quarterly residential growth report within ten (10) calendar days of its presentation to the city council. Such an appeal shall be submitted to the city manager and shall explain the basis for the appeal in writing. Appeals of quarterly residential growth reports shall be heard by the city council at its next regularly scheduled meeting, and a decision shall be made by the city council no later than at the next regularly scheduled council meeting after hearing an appeal.
 2. A decision by the city council made pursuant to this section may be appealed by writ of certiorari to Superior Court of Henry County, Georgia, in accordance with the laws of the state of Georgia.
 3. Any finding of or penalty imposed by the municipal court of the city pursuant to this section may be appealed by writ of certiorari to Superior Court of Henry County, Georgia, in accordance with the laws of the state of Georgia.
- F. Penalty. A violation of the residential growth limitations set forth in subsection B. of this section shall result in a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment not to exceed thirty (30) calendar days or a combination thereof after a cited person, persons or entity is found guilty or the person, persons or entity pleads guilty or nolo contendere. Violations shall be assessed on a per dwelling unit per day basis. Each violation shall constitute a separate offense and shall be punishable as such.

12.02.112 *Relocated Structures.*

12.02.113 *Applicability.*

- A. Except as provided in this section, no application for a relocated structure permit shall be approved, nor any structure moved or occupied prior to meeting all requirements of this section.

12.12.114 *Relocated Dwellings Defined.*

- A. A relocated dwelling is defined as a pre-existing structure moved to another property or to a different location on the same property. Factory-built modular and manufactured homes as defined in Appendix A, Master List of Acronyms and Definitions are exempt from this section.

12.02.115 *Permitted Use.*

- A. Relocated dwellings shall be a permitted use in the R-A (residential-agricultural) zoning district, only as defined in Section. 12.02.114 and subject to all lot size and setback requirements of the R-A district. Relocated dwellings shall be subject to all regulations of the Henry County Health Department concerning on-site sewage disposal facilities and private wells.

12.102.116 *Inspections.*

- A. Preliminary Inspections. No building permit application for a relocated structure shall be approved until a complete inspection of the structure is made by the city. An application for a relocated structure inspection shall be completed on forms provided by the development director prior to the inspection being made. The inspection shall determine compliance or the feasibility of compliance to all existing building codes, development codes and ordinances adopted by the mayor and council. Depending upon the size, age, condition or design of the structure, the development director may require an inspection and report from a structural engineer to evaluate the suitability of the structure for relocating. The engineering inspection and report fee for the relocated structure shall be paid by the applicant. If the development director determines that compliance with existing codes is not feasible, the application for the building permit shall be denied. All such denials shall be in writing specifying the reasons therefore and signed by the development director.
- B. Follow-up Inspection. Following relocation of the structure and prior to and for re-inspecting, the owner of the relocated structure shall, at the owner's choice, remove either the interior wall covering on all exterior walls or the exterior wall covering on all exterior walls. If necessary, and at the direction of the development director regarding the interior load-bearing walls, the owner shall remove one side of these interior walls and the City shall then re-inspect the structure to insure that its structural integrity has not been compromised and that any required improvements remain feasible.
- C. Inspection Fee. The inspection fee shall be as set forth in the fee schedule established by the city which shall be paid to the city prior to the inspection being made.
- D. Performance Letter of Credit or Escrow Letter of Surety Required of Owner of the Structure. To ensure that the structure will meet all current building construction codes of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within six months from the date of issuance of the building permit, the owner of the relocated structure shall provide an irrevocable letter of credit or irrevocable bank escrow letter of surety in the amount of ten thousand dollars (\$10,000.00) in a form approved by the city attorney. Such irrevocable letters of credit or irrevocable bank escrow letters of surety shall be issued from a federally insured banking institution.
- E. Building Permit. A building permit shall be obtained from the building department for a relocated structure prior to locating such structure on a lot. The fee for the permit shall be as set forth in the City of Stockbridge fee schedule.
- F.

Owner Certification. All applications for permit shall be accompanied by a sworn affidavit that the applicant is the owner of the relocated structure and the owner of real property on which the structure is to be relocated. Prior to occupancy, the owner shall be required to obtain a certificate of occupancy.

G. Route Approval.

1. Structures to Be Located Within the City of Stockbridge. Prior to issuance of a permit for a relocated structure, the applicant must first submit and receive approval from the Police Department and the City of Stockbridge regarding the proposed route. The applicant shall provide the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Such approval and information must be on forms furnished by the development director.
2. Structures to Be Located Outside of the City of Stockbridge. Prior to moving a pre-existing structure through the City of Stockbridge, routes must be approved by the police department and the City of Stockbridge on forms provided by the development director. The applicant shall provide the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Required police escort must be prearranged with the Police Department three (3) business days prior to moving a structure through the City of Stockbridge. Moving of such structures through the City of Stockbridge shall only be allowed on routes approved by the City of Stockbridge.

H. Requirements for Moving Companies. Any firm or individual moving structures into or through the City of Stockbridge shall provide a valid copy of the Georgia Department of Transportation Oversize/Overweight Permit for the structures and a certificate of liability insurance, naming the City of Stockbridge as the certificate holder, that meets or exceeds the minimum insurance standards required by the Georgia Department of Transportation.

- I. Guarantee of Completion. No application for a building permit shall be approved until a performance bond, irrevocable letter of credit, or irrevocable bank escrow letter of surety shall first be provided as referred to in subsection D., above.
- J. Time of Completion. The work authorized by any permit for a relocated structure must be completed in compliance with all codes and ordinances of the City of Stockbridge within six (6) months from the date of issuance of the building permit, unless extended as provided herein. In the event such a structure is not in compliance and/or is not completed within the specified time limit, the building official shall notify the owner in writing giving specific causes of noncompliance or non-completion. Upon notification, the owner shall have thirty (30) calendar days to correct such noncompliance or non-completion. Failure of the owner to correct causes of noncompliance or non-completion, and the owner has not received an extension of completion time, shall cause a notice to move or demolish such structure to be issued to the owner immediately. Failure to move

or demolish such structure within ten (10) calendar days of such notice being given shall be deemed a violation of this section and shall be punishable in the municipal court of the City of Stockbridge and the development director shall authorize the surety or bank issuing the irrevocable letter of credit or escrow letter of surety to release all funds to the city.

- K. Extension of Completion Time. The development director may issue a 90-day extension of completion time for cause beyond the original six-month compliance/completion period upon written request by the owner stating the reason for the extension and payment of applicable fees. A second, 90-day extension may be issued following the first, 90-day extension upon written request by the owner stating the reason for the second request. Approval or denial of an extension shall be in writing and signed by the building official. Permission for a greater extension of time may only be granted by mayor and council in regular session. Applications brought before the mayor and council shall be on forms provided by the development director. An extension of the irrevocable letter of credit, or irrevocable bank escrow letter of surety, may be required if sufficient time does not remain on the performance irrevocable letter of credit or irrevocable bank escrow letter of surety to ensure that the structure will meet all current building construction codes of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within the specified time. Fees for each extension shall be as set forth by the city.
- L. Certification of Occupancy. A certificate of occupancy shall be issued upon the passing of a final inspection of a structure and shall verify the completion requirements of this section, including compliance with all existing building and life safety codes.

12.12.117 *Parking and Storage of Major Recreational Equipment.*

- A. Major recreational equipment may be parked or stored on side yards or rear yards or in a carport or enclosed building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot.

The development director is authorized to allow such equipment to be used as living quarters in the following situations provided adequate documentation is provided prior to establishing such:

1. Family hardships and catastrophic events.
2. Temporary visitations.
3. Temporary dwelling when a primary structure is being built or modified on the same property.
4. No more than two (2) such vehicles are allowed to be occupied on site at any one time. No separate permanent utility hook-ups or fixtures may be installed at any time. Furthermore, no recreational vehicle shall create a safety hazard, including blocking, or otherwise obstructing, public rights-of-way or sidewalks. Such equipment may be used for a period not to exceed

thirty (30) consecutive days; however, the development director may approve two extensions up to ninety (90) consecutive days each. Any further extensions must be approved by the city manager.

12.02.118 *Parking and Storage of Commercial Vehicles.* Parking, storing, or maintaining any commercial vehicle shall be prohibited in all residential subdivisions, and in all residential zoning districts except the RA district.

12.02.119 *Keeping or Raising of Livestock.* The keeping or raising of all farm animals or fowl and use of private stables shall be limited to property located within the RA zoning district and must have a minimum lot area of three (3) acres. The keeping or raising of animals or fowl shall be subject to all regulations of the Henry County Health Department and the Henry County Animal Control Ordinance.

12.02.1110 *Abandoned, Wrecked, or Junked Vehicles.* Parking or storing abandoned, wrecked or junked vehicles, power-driven construction equipment, lumber, metal, or any other miscellaneous scrap or salvageable material is prohibited in all residential zoning districts.

12.02.1111 *Accumulation of Garbage, Trash and Rubbish.* It shall be prohibited in all residential districts to place, deposit, or allow the accumulation of, household garbage, rubbish, trash, refuse or any condition that provides harborage for rats, mice, snakes or other vermin.

12.02.1112 *Encroachment on public rights-of-way.* No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public right-of-way. All permanent structures or inorganic objects that are placed near, but not within the right-of-way, shall be located as to not obstruct, hinder or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public.

12.02.1113 *Posting.*

- A. Each dwelling unit and place of business shall have light-reflective numbers posted and maintained in a prominent place on the property, visible from the street providing public access, the address of the dwelling unit or place of business.
 - 1. For residences using mailboxes: Two-inch high light-reflective number with contrasting background;
 - 2. For residences that do not use mailboxes and within one hundred (100) feet of roadway: Three-inch high light-reflective numbers with contrasting background;
 - 3. For residences which do not use mailboxes and are more than one hundred (100) feet from a roadway: Three-inch high light-reflective numbers visible from the roadway with contrasting background; and
 - 4. For all commercial establishments: Three-inch high light-reflective numbers with contrasting backgrounds.

(Ord. No. OR16-412, § 2(Exh. A, § 2.11.00), 7-26-2016)