

**STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE**

ORDINANCE NO. OR23-525

AN ORDINANCE TO ALLOW THE USE OF COMPUTER AND DATA PROCESSING SERVICES WITHIN THE C-3 HEAVY COMMERCIAL DISTRICT AS A PERMITTED USE, AND TO UPDATE OTHER APPLICABLE REFERENCES TO THIS USE THROUGHOUT THE UNIFIED DEVELOPMENT CODE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Stockbridge desires to facilitate responsible community growth and economic development; and

WHEREAS, Article IX, Section II, Paragraph IV of the Georgia Constitution empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, The proposed use for Computer and Data Processing Services is currently only allowed within the Light Industrial (LI) and Heavy Industrial (HI) zoning districts in the City of Stockbridge; and

WHEREAS, the City Council of the City of Stockbridge finds that one of the challenges in the past few years is the need to expand properties with permitted uses for Computer and Data Processing Services in the City of Stockbridge. Data Centers generally provide high investment (The servers) with low traffic (smaller workforce numbers, but those positions are high paying and no freight in or out of the City daily).

WHEREAS, the City Council of the City of Stockbridge indicate that they want to attract more Data Centers, yet the existing Unified Development Code presents obstacles in the City's ability to attract such projects.

WHEREAS, most jurisdictions currently allow Data Centers in (LI) Light Industrial or (HI) Heavy Industrial zoning categories. Property within these categories are in short supply, and owners of LI or HI property can usually make more return on investment on Industrial deals in the current market.

WHEREAS, the City of Stockbridge have vacant buildings and land that have fiber and power to support Data and Computer Services centers. Data Centers are a good reuse of some older vacant retail box buildings that may now otherwise get a new use and added value.

WHEREAS, the lack of specific authorization for Data and Computer Services use in the in C-3 Heavy Commercial District, results in many of our sites being passed over by site selection consultants.

WHEREAS, the City Council of the City of Stockbridge finds that amending the Unified Development Code to allow the use of Computer and Data Processing Services within the C-3 Heavy Commercial District as permitted use is in the best interest of the public health, safety, and welfare.

WHEREAS, properties bordering existing residential parcels will be excluded from being used as Data and Computer Services facilities.

THEREFORE, IT IS NOW HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:

SECTION 1. Amendment of Unified Development Code Section 2.4.10 Heavy Commercial and Section 3.1 Use Table. Having considered Text Amendment Case No. TX-2022-01, the City Council hereby amends the Unified Development Code *Section 2.4.10 Heavy Commercial and Section 3.1 Use Table: Zoning Districts and Use Comparison* to allow for Data and Computer Services with the (C3) Heavy Commercial District.

SECTION 2. Public Record. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Stockbridge.

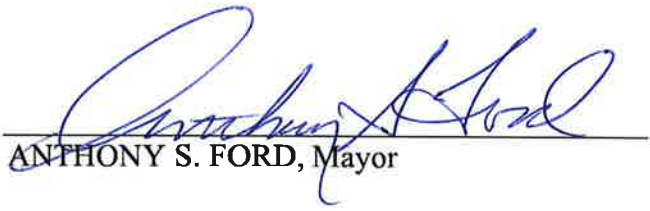
SECTION 3. Public Hearing. Pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice for December 15, 2022 with the Planning Commission; however, this meeting was cancelled. The public hearing was advertised and held at the January 26, 2023 Planning Commission meeting and at the February 13, 2023 City Council meeting.

SECTION 4. Severability. To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Ordinance.

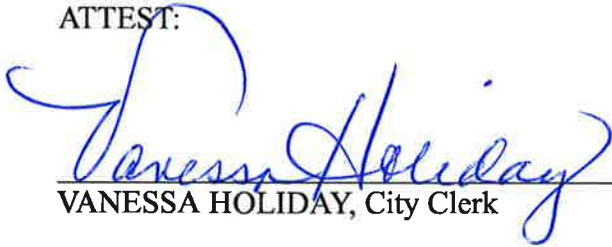
SECTION 5. Repeal of Conflicting Provisions. All City Ordinances inconsistent with this Ordinance shall be repealed.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council of the City of Stockbridge as provided in the City Charter.

SO ORDAINED this 13th day of February 2023.


ANTHONY S. FORD, Mayor

ATTEST:


VANESSA HOLIDAY, City Clerk (SEAL)

APPROVED AS TO FORM:


QUINTON G. WASHINGTON, City Attorney



TO: Stockbridge Planning Commission & City Council

FROM: Brecca R. Carter, Director of Community Development

MEETING DATE: **Planning Commission: 1-26-2023; City Council 2-13-2023**
Originally advertised for 12-15-2022 (Canceled);
City Council 1-9-2023 (Removed from Agenda)

SUBJECT: Text Amendment to the Unified Development Code, #TX-2022-01

I. PURPOSE

To allow the use of "Computer and data processing services" within the C-3 Heavy Commercial District as a permitted use, and update other applicable references to this use throughout the Unified Development Code.

II. BACKGROUND

The proposed use for Computer and data processing services is currently only allowed within the Light Industrial (LI) and Heavy Industrial (HI) zoning district.

Computer and data processing includes the conversion of raw data to machine-readable form, flow of data through the CPU and memory to output devices, and formatting or transformation of output. Any use of computers to perform defined operations on data can be included under data processing. Data and set of instructions are given to the computer as input and the computer automatically processes the data according to the given set of instructions. The computer is also known as electronic data processing machine.

Furthermore, in accordance with Section 2.4.10 Heavy Commercial, the Intent is to provide distinct areas for commercial activities which provide products and services that require locations along major arterial roads, highway intersections, and freeway interchange areas, due to their generation of heavy traffic or their need to transport and display heavy bulk materials, and which provide services that would not be appropriately located in areas providing neighborhood or other commercial retail and service activities. Uses in this district shall be located on roads having a minimum classification of major arterial. It is the interpretation that this use is of a commercial nature and is compatible with other Heavy Commercial (C-3) permitted uses.

III. STAFF RECOMMENDATION

Community Development staff requests that the Planning Commission & City Council approve for the allowance of Computer and data processing centers within the C-3 zoning district.



December 1, 2022

Hon. Anthony S. Ford
Mayor
c/o Frederick Gardiner, City Manager
City of Stockbridge
4545 N Henry Blvd
Stockbridge, GA 30281

Dear Mayor Ford:

Thank you for your ongoing cooperation with the Henry County Development Authority (HCDA) as together we seek to attract new investments and assist the expansion of our existing industries. The Authority's goal is to provide additional jobs, increase our tax base, and to improve the quality of life in our Cities and County. As you are aware, with your assistance, the HCDA has announced over \$1.24B in investments, creating 5,862 jobs in the past 3 years.

One of the challenges that the HCDA has identified in the past few years is the need to expand properties with "permitted uses" for Data Centers in Henry County overall. Data Centers generally provide high investment (the servers) with low traffic impact (smaller workforce #s, but those positions are higher paying and no freight in or out on a daily basis). Most jurisdictions currently allow Data Centers only in M1 (Light Industrial) or M2 (Heavy Industrial) categories. Property within these categories is in short supply, and owners of M1 and M2 property can usually make more return on investment on Industrial deals in our current market. Likewise, the lack of specific authorization for such a facility in Heavy Commercial or O/I categories, results in many of our sites being passed over by site selection consultants.

We are asking all Henry County jurisdictions to consider allowing Data Center uses in Heavy Commercial (C3 or C2) and Office/Industrial (O/I) zoning categories – if the property does not border on an existing residential parcel. Most jurisdictions in the County indicate that they want Data Centers, yet their existing zoning use codes present obstacles in our ability to attract such projects.

In considering allowing Data Centers in C3 categories, we are aware that Henry County and our Cities have some vacant buildings and land that have the fiber and power to support data centers. Data Centers are also as a good possible reuse of some older vacant retail boxes that may not otherwise get a new life and go down in value.

In considering allowing Data Centers in O/I categories, we have some vacant and soon to be vacant office buildings in these categories. With the shift to work from home it is getting tougher to fill those spaces. Rather than having vacancies, allowing Data Centers could help open up the market for those buildings. Atlanta has been very successful with this strategy in recent years. Example: The American Cancer Society HQ building by Centennial Olympic Park...45% of that building space is now a Data Center.

Why do we suggest the "not next to a residential parcel" proviso: Depending on the developer or operator, servers can generate noise, so adding that limitation into our request is prudent and encouraging good planning practices.

The HCDA believes that the minor amendment of zoning regulations will express community support for Data Centers and will help make a strong case for serious consideration by site selection consultants. This will also be a proactive step to adjust to an ever changing real estate market and protecting the tax digest value of these properties. This is an issue that is within our control, and that provides an opportunity for us to work together as a community and open some more options for an attractive sector to enhance our joint efforts.

Please let us know if you have questions about this matter or would like to discuss how we might assist you regarding our suggestions.

Sincerely,



Irvin K. Culpepper Jr.
Chair



Josh Fenn
Executive Director

2.4.10 C3– Heavy Commercial District.

C3 – Heavy Commercial District

District Intent

The intent of the C-3 district is to provide distinct areas for commercial activities which provide products and services that require locations along major arterial roads, highway intersections, and freeway interchange areas, due to their generation of heavy traffic or their need to transport and display heavy bulk materials, and which provide services that would not be appropriately located in areas providing neighborhood or other commercial retail and service activities. Uses in this district shall be located on roads having a minimum classification of major arterial.

Permitted Uses and Conditional Uses

Permitted Uses

Commercial Uses

- Any use permitted within the C2 district
- Automobile brokers
- Automobile gasoline sales
- Automobile service repair stations providing major repair
- Building and lumber supply establishments
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Department store
- Farmers market
- Mini-warehouses and storage buildings without outdoor storage
- Office uses are permitted only when they are associated with other permitted uses.
- Retail warehouses/ wholesales, including outside storage
- Recreational vehicle/ boat sales and service
- Trade shops, including electrical plumbing, heating/ cooling, and roofing/ siding, having no outside storage
- Tattoo shops
- Used appliances stores

Permitted Uses cont.

Public/ Institutional

- Municipal, County, State or Federal buildings
- Public School K-12

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower
- Radio tower

Conditional Uses

Commercial Uses

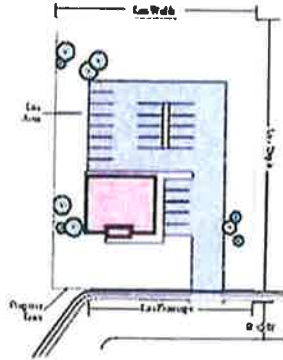
- Automobile sales (New and Used dealerships),
- Mass Assembly Centers and Grounds (See Sections 3.2.24 and 3.1 - Use Table)

Accessory Uses

- Gate and Security buildings
- One (1) dwelling unit may be established for security personnel, management personnel, or the facility owner for a warehouse/self-storage facility

C3 – Heavy Commercial District

District Standards



LOT DIMENSIONS

Minimum Lot Area:

- 10,000 sq. ft.

Minimum Lot Width:

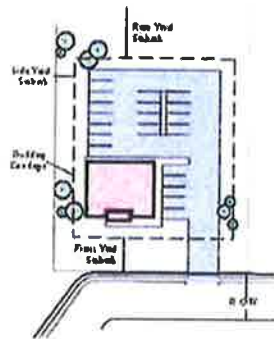
- 100

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width



YARD SETBACKS

Minimum Front Yard Setback:

- 70 feet

Minimum Side Yard Setback:

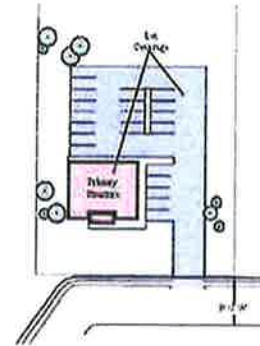
- 10 feet
- 30 feet for corner lots

Minimum Distance Between Buildings:

- 20 feet

Minimum Rear Yard Setback:

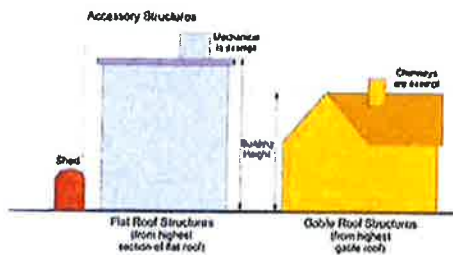
- 30 feet



OTHER REQUIREMENTS

Maximum Lot Coverage:

- 70 percent



Maximum Structure Height:

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures