



## CITY OF STONECREST, GEORGIA

### CITY COUNCIL WORK SESSION – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, April 10, 2023 at 6:00 PM

*Mayor Jazzmin Cobble*

*Council Member Tara Graves - District 1      Council Member Rob Turner - District 2*

*Council Member Alecia Washington - District 3      Mayor Pro Tem George Turner - District 4*

*Council Member Tammy Grimes - District 5*

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. **CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. **ROLL CALL:** Sonya Isom, City Clerk
- III. **AGENDA DISCUSSION ITEMS**
  - a.** **For Discussion** - TMOD 23-001 Truck Parking Gravel Lots - *Ray White*
  - b.** **For Discussion** - TMOD 23-002 Arabia Mountain Overlay - *Ray White*
  - c.** **For Discussion** - TMOD 23-003 Public Storage Facilities - *Ray White*
  - d.** **For Discussion** - 2023 Calendar of Events Update - *Benjamin Dillard & LaTonya Ashley*
  - e.** **For Discussion** - 2023 SPLOST Funding Reallocation - Capital Projects - *Hari Karikaran*
  - f.** **For Discussion** - Title VI The Civil Rights Act Public Notice - *Gia Scruggs*
  - g.** **For Discussion** - Quarterly Financial Update - *Gia Scruggs*
  - h.** **For Discussion** - Zoning Ordinance Changes per HB1405 - *Alicia Thompson*
  - i.** **For Discussion** - CID Activation - *Mayor Pro Tem George Turner*

#### IV. EXECUTIVE SESSION

*(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)*

## V. ADJOURNMENT

### Americans with Disabilities Act

*The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.*

*If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.*



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Truck Parking Gravel Lots Moratorium Extension**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION     PUBLIC HEARING     CONSENT AGENDA     OLD BUSINESS  
 NEW BUSINESS     OTHER, PLEASE STATE: Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE     RESOLUTION     CONTRACT     POLICY     STATUS REPORT  
 OTHER, PLEASE STATE: Click or tap here to enter text.
- 

**ACTION REQUESTED:**  DECISION     DISCUSSION,     REVIEW, or     UPDATE ONLY

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**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Alicia Thompson

**PRESENTER:** Mayor Pro Tem George Turner

**PURPOSE:** Extension of the Truck Parking Moratorium

**FACTS:** Decision to extend the Truck Parking Moratorium.

**OPTIONS:** Approve, Deny, Defer Click or tap here to enter text.

**RECOMMENDED ACTION:** Click or tap here to enter text.

**ATTACHMENTS:**

- (1) Attachment 1 - TMOD 23-001 Truck Parking Gravel Lot
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

**TMOD-21-012**  
**STONECREST ZONING CODE UPDATE**  
**REVISIONS and NEW ORDINANCES**

**Track changes version of proposed changes.**

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
  - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
  - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
  - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
  - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
  - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
  - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.

7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
  - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
  - (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
  - (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.

9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16'	20'

60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Truck parking lots shall be paved and comply with Chapter 14 Stormwater Regulations.

11. There shall be no truck parking and transportation equipment storage in Stonecrest Tier 3.

11. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment (except trucks or trailers) and farm equipment) and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:

- a. The parking area shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ~~six~~ ten feet in height. Chain link and wooden fences along street frontage are prohibited.
- b. The parking area shall be at least 25 feet from the street right-of-way.
- c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched. 75 percent evergreens and at least two rows of plants.
- d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
- e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
- f. The parking lot has a minimum of ~~one~~ two acres.
- ~~g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than at the time of business license renewal in 2022.~~

12. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:

- a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;

- b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
- c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;
- d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
- e. Parking areas shall be inspected by the owner every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on all before December 31, 2022;
- g. ~~All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one-time extension up to 12 months.~~



## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-23-002 -Arabia Mountain Conservation Overlay District**

**AGENDA SECTION:** *(check all that apply)*

**PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.

**CATEGORY:** *(check all that apply)*

**ORDINANCE**     **RESOLUTION**     **CONTRACT**     **POLICY**     **STATUS REPORT**  
 **OTHER, PLEASE STATE: To modify the ordinance**

**ACTION REQUESTED:**     **DECISION**     **DISCUSSION,**     **REVIEW,**    or     **UPDATE ONLY**

**Previously Heard Date(s):** Monday, March 13, 2023 & Click or tap here to enter text.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

**SUBMITTED BY:** Ray White, Director

**PRESENTER:** Ray White, Director

**PURPOSE:** To discuss Arabia Mountain Conservation Overlay District

**FACTS:** Click or tap here to enter text.

**OPTIONS:** Choose an item. Click or tap here to enter text.

**RECOMMENDED ACTION:** Discussion Only

**ATTACHMENTS:**

- (1) Attachment 1 - Cover Letter
- (2) Attachment 2 - Draft Ordinance Changes
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

#### 27-3.4 – DIVISION 4- ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

##### Sec. 3.4.1. - Title.

The provisions contained within this division are the regulations of the Arabia Mountain Conservation Overlay District.

##### Sec. 3.4.2. - Purpose and intent.

The purpose and intent of the city council in establishing the Arabia Mountain Conservation Overlay District (AMCOD) is as follows:

- A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;
- B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural landform and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
- C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
- D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) , for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
- E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home “clustering”; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

##### Sec. 3.4.3. - District boundaries.

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District"(the “AMCOD overlay maps”). The Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

The AMCOD overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the AMCOD overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

Sec. 3.4.4. - Applicability of regulations.

This division establishes standards and procedures that apply to the development of any lot or portion thereof which is in whole or in part contained within the boundaries of the AMCOD. The procedures, standards, and criteria shall apply only to that portion of the subject property within the boundaries of the district.

Sec. 3.4.5. - Principal uses and principal structures.

A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:

- 1. Recreation, passive and Nature preserve.
- 2. Dog Parks
- 3. Bed and Breakfast homes
- 4. Outdoor Concert halls
- 5. Urban Gardens

B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:

- 1. Sexually-oriented businesses
- 2. Drive-in Theater
- 3. Fairground or Amusement Park
- 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
- 5. Coliseum or stadium, except for outdoor Concert Halls
- 6. Nightclub or late-night establishment
- 7. Outdoor storage, mini-warehouses, and storage buildings
- 8. Pawn shops
- 9. Mortuary or Crematorium
- 10. Alcohol Outlets
- 11. Salvage yards and junk yards
- 12. Motel or Extended Stay Motel
- 13. Shelter for homeless persons
- 14. Transitional housing facility
- 15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps

- 16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard
- 17. Commercial parking garage/structure; Commercial parking lots
- 18. Convenience store
- 19. Drive-through facilities
- 20. Personal service establishments
- 21. Check cashing facility
- 22. Heavy equipment storage
- 23. Truck stops
- 24. Warehouses
- 25. Solid waste disposal, Private industry solid waste disposal facility
- 26. Bus station or terminal
- 27. Ambulance service facility, Private ambulance service, Dispatch office

Sec. 3.4.6. - Accessory uses and accessory structures.

The accessory uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, subject to the limitations and standards contained within this division.

Sec. 3.4.7. - Lot coverage.

Except as provided in Sec. 3.4.9, lot coverage within the AMCOD shall not exceed twenty-five (25) percent of net lot area.

Sec. 3.4.8. - Clearing and grading of lots.

No individual lot shall be cleared and graded to an extent exceeding thirty-five (35) percent of the net lot area. Said limitation is intended to permit twenty-five (25) percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades.

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Sec. 3.4.9- Development Standards

There shall be no impervious surfaces within the seventy-five (75) foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.

A. Conservation Communities (residential /subdivisions)



Maximum density: Eight (8) dwelling units to the acre of total land area excluding undevelopable areas listed below:

- 1. Streams and stream buffers
- 2. Wetlands
- 3. Rock outcroppings
- 4. Slopes steeper than 1:2 slope
- 5. Sites of archaeological significance
- 6. Floodplains
- 7. Areas intended to be dedication for right of way

Minimum lot width: Seventy (70) feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of thirty-five (35) feet

Minimum lot area: Seven thousand five hundred (7,500) square feet, except that each lot on the periphery of the **entire** development (**all sides**) is at least ten thousand (10,000) square feet.

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Minimum side-yard setback: 10 ft.

Maximum single-family dwelling lot coverage: 50%

Greenspace: Thirty (30) percent of the total land area must be designated greenspace. Sixty (65) percent of the greenspace should be in a contiguous tract.

Green space may consist of:

- 1. Natural undisturbed areas
- 2. Passive recreational areas
- 3. Trails and Green ways
- 4. Bikeways and paths
- 5. Mature wooded areas

Greenspaces shall be preserved and maintained by one of the following:

- a. Establishment of a mandatory homeowner’s association (HOA) to own and maintain the common green space.
- b. Dedication of legally described and platted “greenspace” to a land trust.

Minimum building setback adjacent to public or private street(s):

- From thoroughfares, arterials and collectors: 30 ft.
- Local streets: 20 ft.

**c. Preliminary Plat Approval**

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**If the applicant chose to use Cluster Development as shown in this section, applicant shall submit the following:**

- A preliminary plat for the traditional lot-layout using the underlying zoning shall be submitted.
- A preliminary plat showing the cluster lot-layout using the overlay standards shall be submitted.
- The number of lots shall be the same for both traditional lot-layout and cluster lot-layout.

- B. Road Specifications all roads shall be built in accordance with Chapter 14. In the event of a conflict, the provisions of this section shall be controlled. The design of the streets must be designed as noted below with the approval of the City Engineer:
- a. Minimal amount of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.
  - b. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turnarounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
  - c. Omit curbs where possible.
  - d. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
  - e. Provide marked, paved paths for non-vehicular traffic with in the development and connecting neighboring residential and commercial areas.

C. Buffer Requirements. An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.

Lots less than 10,000 sq. ft.	25 ft.
Lots between 10,000-15,000 sq. ft.	30 ft.
Lots greater than 15,000 sq. ft.	50 ft.

D. Trails. Trails may be constructed within the buffer. The maximum width is eight (8) feet and must be located within the first twenty-five (25) percent of the buffer furthest from the exterior boundary line.

Sec. 3.4.9.1 – Non- residential zoning district dimensional requirements.

All non-residential districts shall be developed in accordance with the regulations for the Neighborhood Shopping (NS) District.

Sec. 3.4.9.1.a Design Standards

Buildings. New commercial buildings and renovations shall conform to the guidelines noted below.

1. Pedestrian Amenities – All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
  2. “Build-to” line (i.e. “Building façade line”)– The building shall be setback five (5) feet from the buildable areas as indicated within in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
  3. Building height. All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
  4. Façade articulation – Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
    - a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
    - b. Minor Articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
  5. Entrances. All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
  6. Parking: Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.
- Cross Access: In order to reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
7. Storefront canopies at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called “R.O.W.”). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than

twelve inches in height and is subject to all other applicable sign requirements of this document.

8. **Building Finish Materials.** Each street-facing building facade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with granite is limited to: wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.

Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.

**Awnings.** Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

8. **Lighting.** Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. The lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.

9. **Utility service lines** – Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.

10. **Building Numbering.** Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.

11. **Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features** shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

Rooftop Mechanical features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

Sec. 3.4.9.2 - Height limitation.

- A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.
- B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
  - 1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy closest to such tower or antenna.
  - 2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of two hundred (200) feet measured horizontally from said tower or antenna.

Sec. 3.4.10. - Tree removal and replacement.

No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in section 3.4.8 above. Removal of trees should be certified by an arborist and/or by city permit.

No Clear cutting or mass grading is allowed with Arabia Mountain Conservation Overlay District.

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Sec. 3.4.11. - Protection of steep slopes.

No lot or portion of a lot having a grade in excess of fifteen (15) percent shall be altered.

Sec. 3.4.12. - Driveways.

The director of planning is authorized to approve shared driveways for two (2) or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

Sec. 3.4.13. - Recording of conservation easements.

The director of planning shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Resource Protection Overlay District which are made in favor of City of Stonecrest, Georgia.

Sec. 3.4.14. - Notation of all conservation easements on official zoning maps.

The director of planning shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

Sec. 3.4.15. - Lighting.

No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.

Sec. 3.4.16. - Density bonus.

The director of planning is authorized to approve an increase of up to twenty-five (25) percent in housing density within the district for any parcel of land having a single-family residential zoning classification. In making the application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impactation of soil under the canopies of trees. It is the intent of these regulations that houses be clustered rather than spread out to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.

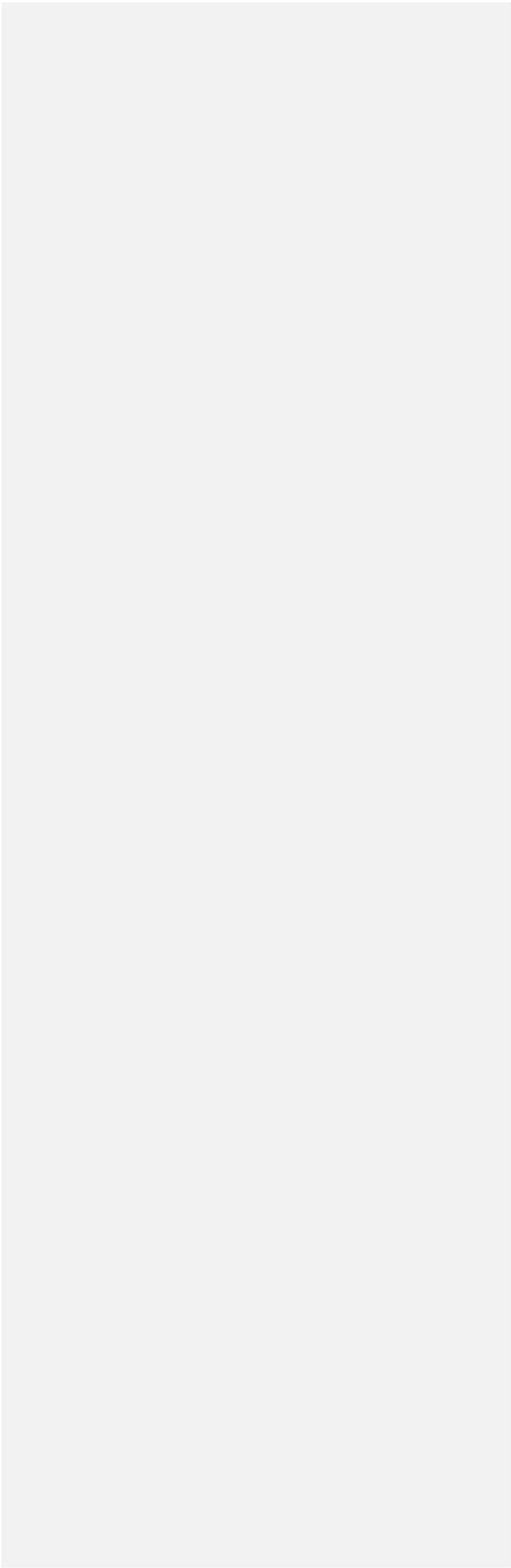
Sec. 3.4.17. - Approval of plats where density bonus permitted.

The director of planning is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the director of planning.

Sec. 3.4.18. – AMCOD Advisory Committee

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

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## 27-3.4 – DIVISION 4- ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

### Sec. 3.4.1. - Title.

The provisions contained within this division are the regulations of the Arabia Mountain Conservation Overlay District.

### Sec. 3.4.2. - Purpose and intent.

The purpose and intent of the city council in establishing the Arabia Mountain Conservation Overlay District (AMCOD) is as follows:

- A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;
- B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural landform and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
- C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
- D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A) , for the purposes of protecting historical and arch logical areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
- E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to: deep setbacks from the main road; strategic buffer zones; home “clustering”; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

### Sec. 3.4.3. - District boundaries.

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District"(the “AMCOD overlay maps”). The Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

The AMCOD overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the AMCOD overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

Sec. 3.4.4. - Applicability of regulations.

This division establishes standards and procedures that apply to the development of any lot or portion thereof which is in whole or in part contained within the boundaries of the AMCOD. The procedures, standards, and criteria shall apply only to that portion of the subject property within the boundaries of the district.

Sec. 3.4.5. - Principal uses and principal structures.

A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:

1. Recreation, passive and Nature preserve.
2. Dog Parks
3. Bed and Breakfast homes
4. Outdoor Concert halls
5. Urban Gardens

B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:

1. Sexually-oriented businesses
2. Drive-in Theater
3. Fairground or Amusement Park
4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
5. Coliseum or stadium, except for outdoor Concert Halls
6. Nightclub or late-night establishment
7. Outdoor storage, mini-warehouses, and storage buildings
8. Pawn shops
9. Mortuary or Crematorium
10. Alcohol Outlets
11. Salvage yards and junk yards
12. Motel or Extended Stay Motel
13. Shelter for homeless persons
14. Transitional housing facility
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps

- 16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard
- 17. Commercial parking garage/structure; Commercial parking lots
- 18. Convenience store
- 19. Drive-through facilities
- 20. Personal service establishments
- 21. Check cashing facility
- 22. Heavy equipment storage
- 23. Truck stops
- 24. Warehouses
- 25. Solid waste disposal, Private industry solid waste disposal facility
- 26. Bus station or terminal
- 27. Ambulance service facility, Private ambulance service, Dispatch office

Sec. 3.4.6. - Accessory uses and accessory structures.

The accessory uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, subject to the limitations and standards contained within this division.

Sec. 3.4.7. - Lot coverage.

Except as provided in Sec. 3.4.9, lot coverage within the AMCOD shall not exceed twenty-five (25) percent of net lot area.

Sec. 3.4.8. - Clearing and grading of lots.

No individual lot shall be cleared and graded to an extent exceeding thirty-five (35) percent of the net lot area. Said limitation is intended to permit twenty-five (25) percent lot coverage as allowed in section 3.4.7 above, and to permit appropriate slopes from the remaining natural land contours to the finished site grades.

Sec. 3.4.9- Development Standards

There shall be no impervious surfaces within the seventy-five (75) foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.

A. Conservation Communities (residential /subdivisions)



Maximum density: Eight (8) dwelling units to the acre of total land area excluding undevelopable areas listed below:

1. Streams and stream buffers
2. Wetlands
3. Rock outcroppings
4. Slopes steeper than 1:2 slope
5. Sites of archaeological significance
6. Floodplains
7. Areas intended to be dedication for right of way

Minimum lot width: Seventy (70) feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of thirty-five (35) feet

Minimum lot area: Seven thousand five hundred (7,500) square feet, except that each lot on the periphery of the entire development (all sides) is at least ten thousand (10,000) square feet.

Minimum side-yard setback: 10 ft.

Maximum single-family dwelling lot coverage: 50%

Greenspace: Thirty (30) percent of the total land area must be designated greenspace. Sixty (65) percent of the greenspace should be in a contiguous tract.

Green space may consist of:

1. Natural undisturbed areas
2. Passive recreational areas
3. Trails and Green ways
4. Bikeways and paths
5. Mature wooded areas

Greenspaces shall be preserved and maintained by one of the following:

- a. Establishment of a mandatory homeowner's association (HOA) to own and maintain the common green space.
- b. Dedication of legally described and platted "greenspace" to a land trust.

Minimum building setback adjacent to public or private street(s):

- From thoroughfares, arterials and collectors: 30 ft.
  - Local streets: 20 ft.
- c. Preliminary Plat Approval

If the applicant chose to use Cluster Development as shown in this section, applicant shall submit the following:

- A preliminary plat for the traditional lot-layout using the underlying zoning shall be submitted.
- A preliminary plat showing the cluster lot-layout using the overlay standards shall be submitted.
- The number of lots shall be the same for both traditional lot-layout and cluster lot-layout.

B. Road Specifications all roads shall be built in accordance with Chapter 14. In the event of a conflict, the provisions of this section shall be controlled. The design of the streets must be designed as noted below with the approval of the City Engineer:

- a. Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.
- b. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to thirty (35) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turnarounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
- c. Omit curbs where possible.
- d. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
- e. Provide marked, paved paths for non-vehicular traffic with in the development and connecting neighboring residential and commercial areas.

C. Buffer Requirements. An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.

Lots less than 10,000 sq. ft.	25 ft.
Lots between 10,000-15,000 sq. ft.	30 ft.
Lots greater than 15,000 sq. ft.	50 ft.

D. Trails. Trails may be constructed within the buffer. The maximum width is eight (8) feet and must be located within the first twenty-five (25) percent of the buffer furthest from the exterior boundary line.

Sec. 3.4.9.1 – Non- residential zoning district dimensional requirements.

All non-residential districts shall be developed in accordance with the regulations for the Neighborhood Shopping (NS) District.

Sec. 3.4.9.1.a Design Standards

Buildings. New commercial buildings and renovations shall conform to the guidelines noted below.

1. Pedestrian Amenities – All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
  2. “Build-to” line (i.e. “Building façade line”) – The building shall be setback five (5) feet from the buildable areas as indicated within in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
  3. Building height. All new buildings shall be no more than two (2) stories, maximum height thirty (35) feet.
  4. Façade articulation – Street-facing building facades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
    - a. Major Articulations shall occur at least every sixty (60) feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
    - b. Minor Articulations shall occur approximately every thirty (30) feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
  5. Entrances. All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
  6. Parking: Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.
- Cross Access: In order to reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
7. Storefront canopies at least five (5) feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called “R.O.W.”). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than

twelve inches in height and is subject to all other applicable sign requirements of this document.

8. Building Finish Materials. Each street-facing building facade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with granite is limited to: wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.

Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.

Awnings. Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

8. Lighting. Building facades facing a public R.O.W. shall be illuminated for safety and aesthetics. The lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.

9. Utility service lines – Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.

10. Building Numbering. Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be 6 inches in height.

11. Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

Rooftop Mechanical features shall be set at least ten (10) feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five (5) feet in height shall be set at least twenty (20) feet behind front building façades.

Sec. 3.4.9.2 - Height limitation.

- A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of thirty-five (35) feet, all other requirements of this chapter notwithstanding.
- B. If the placement of a telecommunications tower or antenna within this overlay district in excess of thirty-five (35) feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
  - 1. No portion of any such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten (10) feet above the top of the tree canopy closest to such tower or antenna.
  - 2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of two hundred (200) feet measured horizontally from said tower or antenna.

Sec. 3.4.10. - Tree removal and replacement.

No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in section 3.4.8 above. Removal of trees should be certified by an arborist and/or by city permit.

No Clear cutting or mass grading is allowed with Arabia Mountain Conservation Overlay District.

Sec. 3.4.11. - Protection of steep slopes.

No lot or portion of a lot having a grade in excess of fifteen (15) percent shall be altered.

Sec. 3.4.12. - Driveways.

The director of planning is authorized to approve shared driveways for two (2) or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

Sec. 3.4.13. - Recording of conservation easements.

The director of planning shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Resource Protection Overlay District which are made in favor of City of Stonecrest, Georgia.

Sec. 3.4.14. - Notation of all conservation easements on official zoning maps.

The director of planning shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

Sec. 3.4.15. - Lighting.

No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.

Sec. 3.4.16. - Density bonus.

The director of planning is authorized to approve an increase of up to twenty-five (25) percent in housing density within the district for any parcel of land having a single-family residential zoning classification. In making the application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impaction of soil under the canopies of trees. It is the intent of these regulations that houses be clustered rather than spread out to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.

Sec. 3.4.17. - Approval of plats where density bonus permitted.

The director of planning is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the director of planning.

Sec. 3.4.18. – AMCOD Advisory Committee

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

DRAFT



## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-23-003 - Public Storage Facilities**

**AGENDA SECTION:** *(check all that apply)*

**PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.

**CATEGORY:** *(check all that apply)*

**ORDINANCE**    **RESOLUTION**    **CONTRACT**    **POLICY**    **STATUS REPORT**  
 **OTHER, PLEASE STATE: Discussion of Public Storage Facilities**

**ACTION REQUESTED:**  **DECISION**  **DISCUSSION**,  **REVIEW**, or  **UPDATE ONLY**

**Previously Heard Date(s):** Monday, March 13, 2023 & Click or tap here to enter text.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

**SUBMITTED BY:** Ray White, Director

**PRESENTER:** Ray White, Director

**PURPOSE:** To discuss Public Storage Facilities in the City of Stonecrest

**FACTS:** Click or tap here to enter text.

**OPTIONS:** Choose an item. Click or tap here to enter text.

**RECOMMENDED ACTION:** Discussion Only

**ATTACHMENTS:**

- (1) Attachment 1 - Stonecrest Ordinance Section 3.5.13 and 3.5.14
- (2) Attachment 2 -
- (3) Attachment 3 -
- (4) Attachment 4 -
- (5) Attachment 5 -

### Sec. 3.5.13. High-rise mixed-use zone (Tier I Zone).

- A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Tire retreading and recapping.
  3. Sexually oriented businesses.
  4. Reserved
  5. Outdoor amusement services facilities.
  6. Outdoor storage.
  7. Farm equipment and supplies sales establishment.
  8. Repair, small household appliance.
  9. Hotel/motel.
  10. Automobile sales.
  11. Flea Markets
  12. Automobile title loan establishments.
  13. Pawn shops.
  14. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building
  15. Salvage yards.
  16. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - b. All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - c. Storage units may not be used for commercial, residential or industrial uses.
  17. Gasoline service stations.
  18. Automobile repair and maintenance, major.
  19. Automobile and truck rental and leasing.
  20. Commercial parking lots.

- 21. Automobile wash/wax service.
  - 22. Check cashing facility.
  - 23. Automobile emission testing facilities.
  - 24. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
- 1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  - 2. Parking lots and parking garages.
  - 3. Open space, clubhouse or pool amenity area.
  - 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.
- F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

**Table 3.1. Bonus FAR: Tier I**

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
- 1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  - 2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  - 3. Hotel and motel uses: Minimum of one space per unit.

4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.
- I. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.
- (Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019)

### **Sec. 3.5.14. Mid-rise mixed-use zone (Tier II Zone).**

- A. *Permitted principal uses and structures*. The principal uses of land and structures allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- B. *Prohibited uses*. The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Storage yards.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor storage.
  6. Farm equipment and supplies sales establishment.
  7. Repair, small household appliance.
  8. Hotel/motel.
  9. Automobile sales.
  10. Flea Markets
  11. Automobile title loan establishments.
  12. Pawn shops.
  13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building.
  14. Salvage yards.
  15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - Storage units may not be used for commercial, residential or industrial uses.
  16. Automobile repair and maintenance, major and minor.

- 17. Gasoline service stations.
  - 18. Automobile and truck rental and leasing.
  - 19. Commercial parking lots.
  - 20. Automobile wash/wax service.
  - 21. Late-night establishments
  - 22. Nighclubs
  - 23. Check cashing facility.
  - 24. Automobile emission testing facilities.
  - 25. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
- 1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  - 2. Parking lots and parking garages.
  - 3. Open space, clubhouse or pool amenity area.
  - 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.
- F. *Density:* No development in Tier II may exceed a FAR of two and one half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

**Table 3.2. Bonus FAR: Tier II**

<b>Bonus Floor Area Ratio in Stonecrest Area, Tier 11</b>	
<b>Additional Amenity</b>	<b>Increased FAR</b>
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional, commercial, or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent (10%) of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building

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that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one and one-quarter spaces per dwelling unit.
- I. *[Parking.]* Parking space area requirements must comply with the provisions of Section 6.1.3.
- J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.

(Ord. of 8-2-2017, § 1(3.5.14); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03 , § 1, 11-25-2019; Ord. No. 2019-11-05 , § I, 11-25-2019)



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: City Event Calendar Update**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE**     **RESOLUTION**     **CONTRACT**     **POLICY**     **STATUS REPORT**  
 **OTHER, PLEASE STATE: Update**
- 

**ACTION REQUESTED:**  **DECISION**     **DISCUSSION,**     **REVIEW,** or  **UPDATE ONLY**

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**Previously Heard Date(s):** 03/27/23 & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Benjamin Dillard

**PRESENTER:** Benjamin Dillard/LaTonya Ashley

**PURPOSE:** To share any changes made to the approved City Event Calendar

**FACTS:** The event calendar was approved during the budget process in 2022. We would like to use this opportunity to update Council of any changes.

**OPTIONS:** Discussion only Click or tap here to enter text.

**RECOMMENDED ACTION:** Click or tap here to enter text.

**ATTACHMENTS:**

- (1) Attachment 1 - Updated City Event Calendar
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

## 2023 Calendar of Events

(Revised: March 13, 2023)

Date	Event	Budget	Location
<b>January</b> January 16   11am-2pm	MLK Parade in collaboration with Dekalb NAACP	N/A	Green Pastures Christian Ministries at 11:00 am and end at Martin Luther King-Jr. High School
<b>February</b> February 1 – 10	Black History Museum	2,400	Browns Mill Recreation Center
February 3   6pm-8pm	A Taste of Soul cooking demonstration	3,000	Browns Mill Recreation Center
February 11   2pm-5pm	Painting with a Twist: Celebrating Black History & Love	1,100	Browns Mill Recreation Center
February 22   10am-3pm	Career Fair in collaboration with Emory University	N/A	Browns Mill Recreation Center
<b>March</b> March 31   6pm-10pm	Women’s History Month   Works of Women Gala	\$10,000	Glitz of Atlanta
<b>April</b> April 8   10am-1pm	Stonecrest Easter Egg Drop	\$16,000	Southeast Complex
April 22   9am-12pm	Earth Day Summit	\$8,000	Multiple Locations
April 29   1pm-4pm	Autism Awareness Event	\$1,500	Browns Mill Recreation Center
<b>May</b> May 26   6pm-9pm	Taste Event	\$7,000	Browns Mill Recreation Center
May 27   11am-2pm	Summer Splash Pool Party	\$5,000	Browns Mill Aquatic Center
<b>June</b> June 17	Juneteenth Celebration of Freedom	\$50,000	Southeast Athletic Complex
June 3	Stonecrest 3 on 3	\$2,500	Browns Mill Gym

Date	Event		Location
<b>July</b> July 8   11am-2pm	Back 2 School Summer Jam	\$5,000	Browns Mill Recreation Center
July 15   11am-3pm	Parks and Recreation Month initiative: Community Picture Day	\$500	Stonecrest parks
July 22   11am-1pm	Parks and Recreation Month initiative – Art in the Park	\$2,000	Browns Mill Recreation Center
<b>August</b> TBA	Household Hazardous Materials Event	\$7,500	Sam’s Parking Lot
August 1	National Night Out	\$3,000	Browns Mill Recreation Center
<b>September</b> September 16   4pm -9pm	Screen on the Green Childhood Cancer Awareness Event	\$29,000 Mayor - \$15,000	Fairington Park
TBA	Stonecrest-Fest Collaboration	\$10,000	TBA
<b>October</b> TBA	Mayor’s 5K Breast Cancer Awareness Event	\$2,000 Mayor - \$10,000	TBA
October 21   5pm-8pm	<i>Spooktacular</i> Family Fun Night	\$10,000	Browns Mill Recreation Center
TBA	Golf Tournament	10,000	TBA
<b>November</b>	Stonecrest Birthday	\$3,000	TBA
	Thanksgiving Distribution	ARPA \$10,000	TBA
<b>December</b> December 8   6pm-9pm	Light Up Stonecrest	\$50,000	Browns Mill Recreation Center
	Toy Drive	\$5,000	Toys for Tots or with Light Up Stonecrest



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: 2023 SPLOST Funding Reallocation**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE**    **RESOLUTION**    **CONTRACT**    **POLICY**    **STATUS REPORT**  
 **OTHER, PLEASE STATE: Funding Reallocation Discussion**
- 

**ACTION REQUESTED:**  **DECISION**  **DISCUSSION**,  **REVIEW**, or  **UPDATE ONLY**

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**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Hari Karikaran, City Engineer

**PRESENTER:** Hari Karikaran

**PURPOSE:** 2023 SPLOST Funding Reallocation

**FACTS:** Click or tap here to enter text.

**OPTIONS:** Approve, Deny, Defer Click or tap here to enter text.

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:**

- (1) Attachment 1 - 2023 SPLOST Funding Reallocation
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

## 2023 SPLOST Funding Reallocation

Work Session: April 10, 2023

### **Background:**

As part of the 2023 Budget approval process, the city council allocated funds for various parks projects. Most of these projects were taken from the records kept by previous parks staff and capital projects management staff. The City Engineer and Parks Director has made an onsite evaluation of parks projects and prioritized current project needs.

### **Discussion:**

#### **Southeast Athletic Complex**

Staff made a site visit to Southeast Athletic Complex (SAC) and made evaluations of the needs based on the existing facilities. Staff has prioritized the needs based on health, safety and welfare of the daily users, various sports teams and event goers of the SAC.

#### **1. Additional Restrooms**

Currently there are two toilets for female and two toilets and two urinals for male .

Additional toilets are needed to accommodate the patrons during rented festivals, games, and practice sessions.

#### **2. Additional Parking**

Currently there are 367 regular parking spaces and 8 handicap spaces available at the location. Additional parking is required to accommodate the festivals and other functions.

Currently, off-site parking is utilized and bussed to and from SAC during major events. A minimum of 200 additional parking must be designed and constructed in the near term.

There is not much land available to construct additional parking spaces at the site. There are two potential locations identified based on the Parks Masterplan.

#### **3. Irrigation System**

Southeast Athletic Complex has an extensive irrigation system in place. The city of Stonecrest doesn't have plans for the irrigation system and the condition of the control structures and valves are not known at this time. Prior to upgrading the baseball fields, all irrigation lines must be mapped, assessed for leakage, and repaired. There are several known irrigation line leaks that exist at this time. In addition, all irrigation system valves, and other control structures must be mapped, and their condition must be assessed. Cost estimate to repair and bring the system to an operable condition without leaks should be completed.

## **Salem Park**

Salem Park Master plan provides various infrastructure improvements. Based on the site visit and evaluation of existing facilities, staff identified several needs.

### **1. Additional Parking**

Currently there are 15 parking spaces available at Salem Park. The council awarded a contract for engineering design of additional parking space.

### **2. Sanitary Sewer Connection**

Salem Park is not served by Sanitary Sewer. There is a water connection to the park with a water fountain near the Children's play area. It is important to provide restroom facilities if additional pavilions are to be constructed. The nearest sanitary sewer line is located at the intersection of Bleckley Drive and Bleckley Court north of the park.

### **3. Additional Trails Installation**

Installation of additional soft surface trails is one of the major elements in the Master Plan. Installation of additional trails based on the master plan will significantly increase the trail length at the park. These soft trails will be installed with low ground clearing/mulching within the wooded area no or less tree removal.

## **Fairington Park**

There is a need for additional parking at Fairington Park. These additional parking spaces could be used by patrons of the future New Fairington Park/Botanical Garden also. Master Plan for Botanical Garden shows parking lot at the location where a new multi-family development is being developed.

## **Recommendations:**

Projects are recommended based on order of priority contingent upon funding availability.

### **Southeast Athletic Complex**

1. Design and construct additional restrooms.
2. Design and construct additional parking spaces.
3. Map, evaluate the irrigation system and make necessary repair/replacement.

### **Salem Park**

1. Design and construct additional parking spaces (funded in 2023 Budget)
2. Design and construct additional trails.
3. Installation of outdoor exercise equipment (funded in 2023 Budget)
4. Construction of Second Gazebo (funded in 2023 Budget)

5. Pursue Grants from Atlanta Hawks to install two basketball courts. (After completion parking lot)
6. Design and Install Sewer line extension from Bleckley Drive. (Future project)

**Fairington Park**

1. Design and construct additional parking spaces at lower level.

**New Fairington Park/Botanical Garden**

1. Design and construct Phase I of Botanical Garden (funded in 2023 Budget)

Project No	Previous Description	New Scope	Amount	Recommended Amount
<b>Fairington Park</b>				
P2023-012	Master Plan	None	\$80,000	\$0
P2023-018	Renovation	Design and construct lower-level parking	\$200,000	\$280,000
<b>New Fairington Park/Botanical Garden</b>				
P2023-016	Master Plan	Design and construct Phase I	\$1,000,000	\$1,000,000
<b>Salem Park</b>				
P2023-0014	Gazebo	Gazebo	\$50,000	\$60,000
P2023-0021	Outdoor Exercise Equipment	Outdoor Exercise Equipment	\$80,000	\$80,000
P2023-0024	Walking Path Upgrades	Install new soft surface Trails	\$33,007	\$53,007
P2023-0025	Install Granite Walls	None	\$30,000	\$0
<b>Southeast Athletic Complex</b>				
P2023-0019	Parking Lot Paving	Design and construct parking lots	\$300,00	\$500,000
P2023-0020	Fencing Improvement	None	\$100,000	\$0
P2023-0013	Baseball Field upgrade	Mapping, evaluation, and repair of Irrigation system	\$100,000	\$100,000
P2023-0023	Basketball court Upgrades	None	\$160,000	\$0
P2023-0022	Park Furniture	None	\$160,000	\$0
P2023-0026	None	Design and Construct Restrooms	\$0	\$220,000

Notes:

1. No net additional Funding is requested.
2. Several Benches have been installed around the walking path at Salem Park. Due to this reason Granite Walls project is removed and funding is re-allocated to soft trail installation. This is one of the projects in the Master Plan.
3. Current Master Plan for Fairington Park is adequate, therefor funding for Master Plan is reallocated to design and construction of lower Parking Lot
4. Fencing at Southeast Athletic Field is funded by ARPA funding, so SPLOST allocation for Fencing is reprogrammed to Parking lot design and construction.
5. A new project for Rest Room design and construction at Southeast Athletic Complex is created.



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Title XI Public Notice**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE**    **RESOLUTION**    **CONTRACT**    **POLICY**    **STATUS REPORT**  
 **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**ACTION REQUESTED:**  **DECISION**    **DISCUSSION**,    **REVIEW**, or    **UPDATE ONLY**

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**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Gia Scruggs, Acting City Manager

**PRESENTER:** Gia Scruggs

**PURPOSE:** The City is seeking to provide public notice of its policy to uphold and assures full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related statutes. Title VI and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance. Stonecrest further assures every effort will be made to ensure non-discrimination in all its programs and activities, whether those programs and activities are federally funded or not. This notice will be posted on the City’s website.

**FACTS:** Click or tap here to enter text.

**OPTIONS:** Approve, Deny, Defer Click or tap here to enter text.

**RECOMMENDED ACTION:** Approval is the recommended action



## CITY COUNCIL AGENDA ITEM

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### ATTACHMENTS:

- (1) Attachment 1 - Public Notice
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

## Title VI – The Civil Rights Act

### TITLE VI OF THE CIVIL RIGHTS ACT NOTICE TO PUBLIC

The City of Stonecrest hereby gives public notice of its policy to uphold and assures full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related statutes. Title VI and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance. Stonecrest further assures every effort will be made to ensure non-discrimination in all its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs are federally assisted or not.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding the City of Stonecrest’s programs has a right to file a formal complaint with the City. Any such complaint must be in writing and submitted to the City’s Title VI Coordinator within 180 days following the date of the alleged occurrence.

Send complaints to:

Title VI Coordinator  
3120 Stonecrest Blvd  
Stonecrest, GA 30038



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Quarterly Financial Update**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION**     **PUBLIC HEARING**     **CONSENT AGENDA**     **OLD BUSINESS**  
 **NEW BUSINESS**     **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE**    **RESOLUTION**    **CONTRACT**    **POLICY**    **STATUS REPORT**  
 **OTHER, PLEASE STATE:** Click or tap here to enter text.
- 

**ACTION REQUESTED:**  **DECISION**    **DISCUSSION**,  **REVIEW**, or  **UPDATE ONLY**

---

**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

---

**SUBMITTED BY:** Gia Scruggs Finance Director

**PRESENTER:** Gia Scruggs

**PURPOSE:** The purpose of this presentation to to provide a quarterly financial update to the Council.

**FACTS:** Click or tap here to enter text.

**OPTIONS:** Discussion only Click or tap here to enter text.

**RECOMMENDED ACTION:** Discussion only

**ATTACHMENTS:**

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Zoning Procedure Changes - HB1405**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION     PUBLIC HEARING     CONSENT AGENDA     OLD BUSINESS  
 NEW BUSINESS     OTHER, PLEASE STATE: Click or tap here to enter text.
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE     RESOLUTION     CONTRACT     POLICY     STATUS REPORT  
 OTHER, PLEASE STATE: Click or tap here to enter text.
- 

**ACTION REQUESTED:**  DECISION     DISCUSSION,     REVIEW, or     UPDATE ONLY

---

**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Alicia Thompson, City Attorney

**PRESENTER:** Attorney Alicia Thompson

**PURPOSE:** Zoning Procedure Changes - HB1405

**FACTS:** The Georgia General Assembly passed HB1405 to amend Title 36 of the Official Code of Georgia Annotated, relating to local governments, so as to revise "The Zoning Procedures Law." This discussion will highlight the amendments to Georgia Zoning Code and confirm how the amendments will impact the City of Stonecrest's Zoning Code.

**OPTIONS:** Approve, Deny, Defer Click or tap here to enter text.

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Attachment 1 - Zoning Procedure HB 1405
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.



## CITY COUNCIL AGENDA ITEM

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- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

House Bill 1405 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 52<sup>nd</sup>, Washburn of the 141<sup>st</sup>, Crowe of the 110<sup>th</sup>, Dreyer of the 59<sup>th</sup>, Paris of the 142<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local governments,  
2 so as to revise "The Zoning Procedures Law"; to revise provisions related to judicial review  
3 of zoning decisions; to revise definitions; to provide for requirements for zoning decisions  
4 by boards or agencies using delegated powers; to provide additional notice and hearing  
5 provisions for changes to zoning ordinances that revise single-family residential  
6 classifications and definitions so as to authorize multifamily residential property uses; to  
7 require review procedures for decisions made by boards or agencies using delegated powers;  
8 to provide for judicial review of zoning decisions; to require certain designations relating to  
9 appeals of quasi-judicial decisions; to provide for related matters; to provide for an effective  
10 date and applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 36 of the Official Code of Georgia Annotated, relating to local governments, is  
14 amended by revising Chapter 66, relating to zoning procedures, as follows:

15 "CHAPTER 66

H. B. 1405

- 1 -

16 36-66-1.

17 This chapter shall be known and may be cited as ~~'The Zoning~~ 'Zoning Procedures Law.'

18 36-66-2.

19 (a) While recognizing and confirming the authority of local governments to exercise  
20 zoning power within their respective territorial boundaries, it is the intention of this chapter  
21 to establish as state policy minimum procedures governing the exercise and means of  
22 judicial review of the exercise of that power. The purpose of these minimum procedures  
23 is to assure that due process is afforded to the general public when local governments  
24 regulate the uses of property through the exercise of the zoning power. Nothing in this  
25 chapter shall be construed to invalidate any zoning decision made by a local government  
26 prior to ~~January 1, 1986~~ July 1, 2023, or to require a local government to exercise its  
27 zoning power.

28 (b) Consistent with the minimum procedures required by this chapter, local governments  
29 may:

30 (1) Provide by ordinance or resolution for such administrative officers, ~~bodies~~ boards,  
31 or agencies as may be expedient for the efficient exercise of ~~their~~ delegated,  
32 quasi-judicial zoning powers and to establish procedures and notice requirements for  
33 hearings before such quasi-judicial officers, boards, or agencies that are consistent with  
34 the minimum procedures provided for in this chapter to assure due process is afforded the  
35 general public; and

36 (2) Provide by ordinance or resolution for procedures and requirements in addition to or  
37 supplemental to those required by this chapter and, where so adopted, thereby establish  
38 the minimum procedures for such local government's exercise of zoning powers.

39 36-66-3.

40 As used in this chapter, the term:

41 (1) 'Local government' means any county or municipality which exercises zoning power  
42 within its territorial boundaries.

43 (1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency  
44 appointed by a local government to exercise delegated, quasi-judicial zoning powers  
45 including hearing appeals of administrative decisions by such officers, boards, or  
46 agencies and hearing and rendering decisions on applications for variances, special  
47 administrative permits, special exceptions, conditional use permits, or other similar  
48 permits not enumerated herein as a zoning decision, pursuant to standards for the exercise  
49 of such quasi-judicial authority adopted by a local government.

50 (2) 'Territorial boundaries' means, in the case of counties, the unincorporated areas  
51 thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case  
52 of municipalities, the area lying within the corporate limits thereof except any area  
53 defined in paragraph (5.1) of Code Section 36-70-2.

54 (3) 'Zoning' means the power of local governments to provide within their respective  
55 territorial boundaries for the zoning or districting of property for various uses and the  
56 prohibition of other or different uses within such zones or districts and for the regulation  
57 of development and the improvement of real estate within such zones or districts in  
58 accordance with the uses of property for which such zones or districts were established.

59 (4) 'Zoning decision' means final legislative action by a local government which results  
60 in:

61 (A) The adoption or repeal of a zoning ordinance;

62 (B) The adoption of an amendment to a zoning ordinance which changes the text of the  
63 zoning ordinance;

64 (C) The adoption or denial of an amendment to a zoning ordinance ~~which rezones to~~ rezone  
65 property from one zoning classification to another;

66 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal  
67 local government ~~which zones to zone~~ property to be annexed into the municipality; or

68 (E) The grant or denial of a permit relating to a special use of property;

69 (F) The grant or denial of a variance or conditions concurrent and in conjunction with  
70 a decision pursuant to subparagraphs (C) or (E) of this paragraph.

71 (5) 'Zoning ordinance' means an ordinance or resolution of a local government  
72 establishing procedures and zones or districts within its respective territorial boundaries  
73 which regulate the uses and development standards of property within such zones or  
74 districts. The term also includes the zoning map adopted in conjunction with a zoning  
75 ordinance which shows the zones and districts and zoning classifications of property  
76 therein.

77 36-66-4.

78 (a) A local government taking action resulting in a zoning decision shall provide for a  
79 hearing on the proposed action. Where the proposed action includes any combination of  
80 zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of Code Section  
81 36-66-3 for the same property, only one hearing shall be required under this Code Section.

82 At least 15 but not more than 45 days prior to the date of the hearing, the local government  
83 shall cause to be published within a newspaper of general circulation within the territorial  
84 boundaries of the local government a notice of the hearing. The notice shall state the time,  
85 place, and purpose of the hearing.

86 (b) If a zoning decision of a local government is for the rezoning of property and the  
87 rezoning is initiated by a party other than the local government, then:

88 (1) The notice, in addition to the requirements of subsection (a) of this Code section,  
89 shall include the location of the property, the present zoning classification of the property,  
90 and the proposed zoning classification of the property; and

91 (2) A sign containing information required by local ordinance or resolution shall be  
92 placed in a conspicuous location on the property not less than 15 days prior to the date  
93 of the hearing.

- 94 (c) If the zoning decision of a local government is for the rezoning of property and the  
95 amendment to the zoning ordinance to accomplish the rezoning is defeated by the local  
96 government, then the same property may not again be considered for rezoning until the  
97 expiration of at least six months immediately following the defeat of the rezoning by the  
98 local government.
- 99 (d) If the zoning is for property to be annexed into a municipality, then:
- 100 (1) Such municipal local government shall complete the procedures required by this  
101 chapter for such zoning, except for the final vote of the municipal governing authority,  
102 prior to adoption of the annexation ordinance or resolution or the effective date of any  
103 local Act but no sooner than the date the notice of the proposed annexation is provided  
104 to the governing authority of the county as required under Code Section 36-36-6;
- 105 (2) The hearing required by subsection (a) of this Code section shall be conducted prior  
106 to the annexation of the subject property into the municipality;
- 107 (3) In addition to the other notice requirements of this Code section, the municipality  
108 shall cause to be published within a newspaper of general circulation within the territorial  
109 boundaries of the county wherein the property to be annexed is located a notice of the  
110 hearing as required under the provisions of subsection (a) or (b), as applicable, of this  
111 Code section and shall place a sign on the property when required by subsection (b) of  
112 this Code section; and
- 113 (4) The zoning classification approved by the municipality following the hearing  
114 required by this Code section shall become effective on the later of:
- 115 (A) The date the zoning is approved by the municipality;
- 116 (B) The date that the annexation becomes effective pursuant to Code Section 36-36-2;
- 117 or
- 118 (C) Where a county has interposed an objection pursuant to Code Section 36-36-11,  
119 the date provided for in paragraph (8) of subsection (c) of said Code section.

120 (e) A qualified municipality into which property has been annexed may provide, by the  
121 adoption of a zoning ordinance, that all annexed property shall be zoned by the  
122 municipality, without further action, for the same use for which that property was zoned  
123 immediately prior to such annexation. A qualified county which includes property which  
124 has been deannexed by a municipality may provide, by the adoption of a zoning ordinance,  
125 that all deannexed property shall be zoned by the county, without further action, for the  
126 same use for which that property was zoned immediately prior to such deannexation. A  
127 municipality shall be a qualified municipality only if the municipality and the county in  
128 which is located the property annexed into such municipality have a common zoning  
129 ordinance with respect to zoning classifications. A county shall be a qualified county only  
130 if that county and the municipality in which was located the property deannexed have a  
131 common zoning ordinance with respect to zoning classifications. A zoning ordinance  
132 authorized by this subsection shall be adopted in compliance with the other provisions of  
133 this chapter. The operation of such ordinance to zone property which is annexed or  
134 deannexed shall not require any further action by the adopting municipality, adopting  
135 county, or owner of the property annexed or deannexed. Property which is zoned pursuant  
136 to this subsection may have such zoning classification changed upon compliance with the  
137 other provisions of this chapter.

138 (f) When a proposed zoning decision relates to or will allow the location or relocation of  
139 a halfway house, drug rehabilitation center, or other facility for treatment of drug  
140 dependency, a public hearing shall be held on the proposed action. Such public hearing  
141 shall be held at least six months and not more than nine months prior to the date of final  
142 action on the zoning decision. The hearing required by this subsection shall be in addition  
143 to any hearing required under subsection (a) of this Code section. The local government  
144 shall give notice of such hearing by:

145 (1) Posting notice on the affected premises in the manner prescribed by subsection (b)  
146 of this Code section; and

147 (2) Publishing in a newspaper of general circulation within the territorial boundaries of  
148 the local government a notice of the hearing at least 15 days and not more than 45 days  
149 prior to the date of the hearing.

150 Both the posted notice and the published notice shall include a prominent statement that  
151 the proposed zoning decision relates to or will allow the location or relocation of a halfway  
152 house, drug rehabilitation center, or other facility for treatment of drug dependency. The  
153 published notice shall be at least six column inches in size and shall not be located in the  
154 classified advertising section of the newspaper.

155 (g) A local government delegating decision-making power to a quasi-judicial officer,  
156 board, or agency shall provide for a hearing on each proposed action described in  
157 paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at  
158 least 30 days prior to the quasi-judicial hearing, with such notice being made as provided  
159 for in subsection (a) of this Code section and with additional notice being mailed to the  
160 owner of the property that is the subject of the proposed action.

161 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a  
162 proposed zoning decision relates to an amendment of the zoning ordinance to revise one  
163 or more zoning classifications or definitions relating to single-family residential uses of  
164 property so as to authorize multifamily uses of property pursuant to such classification  
165 or definitions, or to grant blanket permission, under certain or all circumstances, for  
166 property owners to deviate from the existing zoning requirements of a single-family  
167 residential zoning, such zoning decision must be adopted in the following manner:

168 (A) The zoning decision shall be adopted at two regular meetings of the local  
169 government making the zoning decision, during a period of not less than 21 days apart;  
170 and

171 (B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at  
172 least two public hearings shall be held on the proposed action. Such public hearings  
173 shall be held at least three months and not more than nine months prior to the date of

174 final action on the zoning decision. Furthermore, at least one of the public hearings  
175 must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by  
176 this paragraph shall be in addition to any hearing required under subsection (a) of this  
177 Code section. The local government shall give notice of such hearing by:

178 (i) Posting notice on each affected premises in the manner prescribed by  
179 subsection (b) of this Code section; provided, however, that when more than 500  
180 parcels are affected, in which case posting notice is required every 500 feet in the  
181 affected area; and

182 (ii) Publishing in a newspaper of general circulation within the territorial boundaries  
183 of the local government a notice of each hearing at least 15 days and not more than 45  
184 days prior to the date of the hearing.

185 Both the posted notice and the published notice shall include a prominent statement that  
186 the proposed zoning decision relates to or will authorize multifamily uses or give blanket  
187 permission to the property owner to deviate from the zoning requirements of a  
188 single-family residential zoning of property in classification previously relating to  
189 single-family residential uses. The published notice shall be at least nine column inches  
190 in size and shall not be located in the classified advertising section of the newspaper. The  
191 notice shall state that a copy of the proposed amendment is on file in the office of the  
192 clerk or the recording officer of the local government and in the office of the clerk of the  
193 superior court of the county of the legal situs of the local government for the purpose of  
194 examination and inspection by the public. The local government shall furnish anyone,  
195 upon written request, a copy of the proposed amendment, at no cost.

196 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning  
197 decisions that provide for the abolition of all single-family residential zoning  
198 classifications within the territorial boundaries of a local government or zoning decisions  
199 that result in the rezoning of all property zoned for single-family residential uses within

200 the territorial boundaries of a local government to multifamily residential uses of  
201 property.

202 (3) This subsection shall not apply to zoning decisions for the rezoning of property from  
203 a single-family residential use of property to a multifamily residential use of property  
204 when the rezoning is initiated by the owner or authorized agent of the owner of such  
205 property.

206 36-66-5.

207 (a) Local governments shall adopt policies and procedures which govern calling and  
208 conducting hearings required by Code Section 36-66-4, and printed copies of such policies  
209 and procedures shall be available for distribution to the general public. Such policies and  
210 procedures shall specify a minimum time period at hearings on proposed zoning decisions  
211 or quasi-judicial decisions for presentation of data, evidence, and opinion by proponents  
212 of each zoning decision and an equal minimum time period for presentation by opponents  
213 of each proposed zoning decision, such minimum time period to be no less than ten  
214 minutes per side.

215 (b) In addition to policies and procedures required by subsection (a) of this Code section,  
216 each local government rendering a zoning decision shall adopt standards governing the  
217 exercise of the zoning power, and such standards may include any factors which the local  
218 government finds relevant in balancing the interest in promoting the public health, safety,  
219 morality, or general welfare against the right to the unrestricted use of property. Such  
220 standards shall be printed and copies thereof shall be available for distribution to the  
221 general public.

222 (b.1) In addition to policies and procedures required by subsection (a) of this Code section,  
223 each local government providing for a quasi-judicial officer's, board's, or agency's grant,  
224 denial, or review of a quasi-judicial matter may adopt specific standards and criteria  
225 governing the exercise of such quasi-judicial decision-making authority, and such standards

226 shall include the factors by which the local government directs the evaluation of a  
227 quasi-judicial matter. Such standards shall be printed and copies thereof made available  
228 for distribution to the general public.

229 (c) The policies and procedures required by subsection (a) of this Code section and the  
230 adoption of standards required by subsection (b) and permitted by subsection (b.1) of this  
231 Code section may shall be included in and adopted as part of the zoning ordinance. Prior  
232 to the adoption of any zoning ordinance enacted on or after ~~January 1, 1986~~ July 1, 2022,  
233 a local government shall conduct a public hearing on a proposed action which may be  
234 advertised and held concurrent with the hearing required by subsection (a) of Code Section  
235 36-66-4 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code  
236 Section 36-66-4 relating to notices of public hearings for the purposes of that subsection  
237 shall also apply to public hearings required by this subsection.

238 36-66-5.1.

239 (a) To ensure that the general public is afforded due process in an orderly way to petition  
240 the courts for review of a local government's exercise of zoning, administrative, or  
241 quasi-judicial powers as guaranteed by Article I, Section I, Paragraphs IX and XII of the  
242 Constitution, the General Assembly, pursuant to its authority under Article VI, Section IV,  
243 Paragraph I of the Constitution, provides the following mechanism by which each of the  
244 powers described in this chapter may be reviewed by the superior court of the county  
245 wherein such property is located:

246 (1) Zoning decisions as described in this chapter, being legislative in nature, shall be  
247 subject to direct constitutional challenge regarding the validity of maintaining the existing  
248 zoning on the subject property or the validity of conditions or an interim zoning category  
249 other than what was requested in the superior court pursuant to its original jurisdiction  
250 over declaratory judgments pursuant to Chapter 4 of Title 9 and equity jurisdiction under  
251 Title 23. Such challenges shall be by way of a de novo review by the superior court

252 wherein such review brings up the whole record from the local government and all  
253 competent evidence shall be admissible in the trial thereof, whether adduced in a local  
254 government process or not and employing the presumption that a governmental zoning  
255 decision is valid and can be overcome substantively by a petitioner showing by clear and  
256 convincing evidence that the zoning classification is a significant detriment to the  
257 petitioner and is insubstantially related to the public health, safety, morality, or general  
258 welfare; or

259 (2) Quasi-judicial decisions as described in this chapter and zoning decisions under  
260 subparagraph (E) of paragraph (4) of Code Section 36-66-3 shall be subject to appellate  
261 review by the superior court pursuant to its appellate jurisdiction from a lower judicatory  
262 body and shall be brought by way of a petition for such review as provided for in Title 5.  
263 Such matters shall be reviewed on the record which shall be brought to the superior court  
264 as provided in Title 5.

265 (b) All such challenges or appeals shall be brought within 30 days of the written decision  
266 of the challenged or appealed action.

267 (c) To ensure that the citizens of this state are not unnecessarily burdened by the review  
268 process as a mechanism of appeal, local governments shall designate by ordinance or  
269 resolution:

270 (1) The officer of the quasi-judicial board or agency who shall have authority, without  
271 additional board or agency action, to approve or issue any form or certificate necessary  
272 to perfect the petition described in Title 5 for review of lower judicatory bodies and upon  
273 whom service of such petition may be effected or accepted on behalf of the lower  
274 judicatory board or agency, during normal business hours, at the regular offices of the  
275 local government; and

276 (2) The elected official or his or designee who shall have authority to accept service and  
277 upon whom service of an appeal of a quasi-judicial decision may be effected or accepted

278 on behalf of the local governing authority, during normal business hours, at the regular  
279 offices of the local government.

280 (d) An appeal or challenge by an opponent filed pursuant to this chapter shall stay all legal  
281 proceedings in furtherance of the action appealed from or challenged, unless the local  
282 government, officer, board, or agency from which or from whom the appeal or challenge  
283 is taken certifies that, by reason of the facts stated in the certificate, a stay would cause  
284 imminent peril to life or property. In such actions, the applicant for the zoning decision or  
285 the quasi-judicial decision shall be a necessary party and shall be named as a defendant in  
286 the action and served in accordance with the requirements of Title 5 or Title 9, as  
287 appropriate.

288 36-66-6.

289 (a) In any local government which has established a planning department or other similar  
290 agency charged with the duty of reviewing zoning proposals, such planning department or  
291 other agency shall, with respect to each proposed zoning decision involving land that is  
292 adjacent to or within 3,000 feet of any military base or military installation or within  
293 the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed  
294 in the definition of an Air Installation Compatible Use Zone of a military airport,  
295 investigate and make a recommendation with respect to each of the matters enumerated in  
296 subsection (b) of this Code section, in addition to any other duties with which the planning  
297 department or agency is charged by the local government. The planning department or  
298 other agency shall request from the commander of such military base, military installation,  
299 or military airport a written recommendation and supporting facts relating to the use of the  
300 land being considered in the proposed zoning decision at least 30 days prior to the hearing  
301 required by subsection (a) of Code Section 36-66-4. If the base commander does not  
302 submit a response to such request by the date of the public hearing, there shall be a  
303 presumption that the proposed zoning decision will not have any adverse effect relative to

304 the matters specified in subsection (b) of this Code section. Any such information provided  
305 shall become a part of the public record.

306 (b) The matters with which the planning department or agency shall be required to make  
307 such investigation and recommendation shall be:

308 (1) Whether the zoning proposal will permit a use that is suitable in view of the use of  
309 adjacent or nearby property within 3,000 feet of a military base, military installation, or  
310 military airport;

311 (2) Whether the zoning proposal will adversely affect the existing use or usability of  
312 nearby property within 3,000 feet of a military base, military installation, or military  
313 airport;

314 (3) Whether the property to be affected by the zoning proposal has a reasonable  
315 economic use as currently zoned;

316 (4) Whether the zoning proposal will result in a use which will or could cause a safety  
317 concern with respect to excessive or burdensome use of existing streets, transportation  
318 facilities, utilities, or schools due to the use of nearby property as a military base, military  
319 installation, or military airport;

320 (5) If the local government has an adopted land use plan, whether the zoning proposal  
321 is in conformity with the policy and intent of the land use plan; and

322 (6) Whether there are other existing or changing conditions affecting the use of the  
323 nearby property as a military base, military installation, or military airport which give  
324 supporting grounds for either approval or disapproval of the zoning proposal."

325 **SECTION 2.**

326 This Act shall become effective on July 1, 2022, and shall apply to all zoning and  
327 quasi-judicial decisions occurring on and after that date; however, no zoning or quasi-judicial  
328 decision prior to July 1, 2023, shall be rendered invalid or void because of a local  
329 government's failure to implement language in their ordinances accomplishing the provisions  
330 of Code Section 36-66-5.1.

331 **SECTION 3.**

332 All laws and parts of laws in conflict with this Act are repealed.



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## CITY COUNCIL AGENDA ITEM

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**SUBJECT: CID Activation**

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**AGENDA SECTION:** *(check all that apply)*

- PRESENTATION     PUBLIC HEARING     CONSENT AGENDA     OLD BUSINESS  
 NEW BUSINESS     OTHER, PLEASE STATE: Discussion Item
- 

**CATEGORY:** *(check all that apply)*

- ORDINANCE     RESOLUTION     CONTRACT     POLICY     STATUS REPORT  
 OTHER, PLEASE STATE: Discussion
- 

**ACTION REQUESTED:**  DECISION  DISCUSSION,  REVIEW, or  UPDATE ONLY

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**Previously Heard Date(s):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Monday, April 10, 2023

**Current Council Meeting:** Click or tap to enter a date.

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**SUBMITTED BY:** Mayor Pro Tem George Turner

**PRESENTER:** Mayor Pro Tem George Turner

**PURPOSE:** To discuss the activation of the Stonecrest/Lithonia Industrial Park Community Improvement District.

**FACTS:**

**OPTIONS:** Choose an item. Click or tap here to enter text.

**RECOMMENDED ACTION:** Click or tap here to enter text.

**ATTACHMENTS:**

- (1) Attachment 1 - CID Section of the City's Charter
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

**Section 1.06. Stonecrest/Lithonia Industrial Park Community Improvement District.**

(a) The purpose of this section is to provide for the creation of a community improvement district within the City of Stonecrest subject to the conditions prescribed in Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
- (2) Parks and recreational areas and facilities;
- (3) Stormwater and sewage collection and disposal systems;
- (4) Development, storage, treatment, purification, and distribution of water;
- (5) Public transportation;
- (6) Terminal and dock facilities and parking facilities; and
- (7) Such other services and facilities as may be provided for by general law.

**(b) Definitions. As used in this section, the term:**

- (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops and fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- (2) "Board" means the governing body created for the governance of the community improvement district authorized by this section.
- (3) "Caucus of electors" means the meeting of electors as provided in this section at which the elected board members of the district are elected or at which the governmental services and facilities to be provided by the district are determined. A quorum at such caucus shall consist of no less than 25 percent of electors and no less than 25 percent of equity electors present in person or proxy, and a majority of those present and voting shall be necessary to take any action. Notice of such meeting shall be given to such electors and equity electors by publishing notice thereof in the legal organ of the City of Stonecrest at least once each week for four weeks prior to such meeting.
- (4) "Cost of the project" or "cost" of any project means and includes:
  - (A) All costs of acquisition by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;
  - (B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the

cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment including all transportation equipment and rolling stock, furniture, and other property used in or in connection with or necessary for any project;

(C) All financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;

(D) All costs of engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;

(E) All expenses for inspection of any project;

(F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuances of any bonds, notes, or other obligations for any project;

(G) All expenses of or incidental to determining the feasibility or practicability of any project;

(H) All costs of plans and specifications for any project;

(I) All costs of title insurance and examinations of title with respect to any project;

(J) Repayment of any loans made for the advance payment of any part of the foregoing costs, including interest thereon and any other expenses of such loans;

(K) Administrative expenses of the board and such other expenses as may be necessary for or incidental to any project or the financing thereof or the placing of any project in operation; and

(L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any bonds, notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of bonds, notes, or other obligations issued by the district.

(5) "District" means the geographical area designated as such by the resolution of the city council consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the city council within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

(6) "Electors" means the owners of real property used nonresidentially within the district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of DeKalb County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing. An owner of property that is subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority. Multiple owners of one parcel have one vote for an election based on numerical majority which must be cast by one of their number who is designated in writing.

(7) "Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property", with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairperson of the DeKalb County Board of Tax Assessors, or with respect to fees and assessments may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefits derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended, or with respect to fees and assessments may be apportioned in any other manner or combination of manners deemed equitable by the board, including, but not limited to, the recognition of differential benefits which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.

(8) "Equity electors" means electors who cast votes equal to each \$1,000.00 in value of all owned real property within the district which is then subject to taxes, fees, and assessments levied by the board. The value of real property shall be the assessed value. In the event the owner shall have multiple owners or be a corporation, trust, partnership, limited liability company, or any other entity, one person shall be designated as elector and such designation shall be made in writing.

(9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation. It does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.

(10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement; the creation, provision, enhancement, or supplementing of public services such as fire, police, and other services, provided that same do not conflict with or duplicate existing public services; and all for the essential public purposes set forth in subsection (a) of this section.

(11) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of DeKalb County within the district. Ownership as shown by the most recent ad valorem real property tax records of DeKalb County shall be prima-facie proof of ownership. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.

(12) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use or vacant land zoned or approved for any of the aforementioned uses which do not include residential.

(13) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.

(14) "Taxpayer" means an entity or person paying ad valorem taxes on real property whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.

(c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created an administrative body being one community improvement district to be located wholly within the City of Stonecrest, to be known as the Stonecrest/Lithonia Industrial Park Community Improvement District, provided that the creation of the community improvement district shall be conditioned upon:

(1) The adoption of a resolution consenting to the creation of the community improvement district by the City of Stonecrest city council; and

(2) The written consent to the creation of the community improvement district by:

(A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and

(B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district. For this purpose, value shall be determined by the most recent approved DeKalb County ad valorem tax digest. The written consent provided for in this paragraph shall be submitted to the tax commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district.

Neither the community improvement district nor the administrative body created pursuant to this section shall transact any business or exercise any powers under this section until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of the district activated under this section, and filed with the Department of Community Affairs.

(d) Administration, appointment, and election of the members of the administrative body.

(1) The district created pursuant to this section shall be administered by a board composed of seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the city council. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 4 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the members representing Post 3 shall be three years. Thereafter, all terms of office for the elected board members shall be for three years. The appointed board members shall serve at the pleasure of the city council.

(2) The initial board members to be elected as provided in subsection (a) of this section shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents herein provided at such time and place within the district as the city Council shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of the City of Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in DeKalb County, a caucus of electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs in an elected position on the board the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called.

(3) Board members shall be subject to recall as any other elected public official by the electors defined by this section.

(4) Board members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses actually incurred in the performance of their duties. They shall elect one of their number as chairperson and another of their number as vice chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the board or an elector.

(5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to the election of district board members. The district board may adopt such bylaws not inconsistent herewith to provide for any matter concerning such elections.

**(e) Taxes, fees, and assessments.**

(1) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent of the aggregate assessed value of all such real property. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject

to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes shall bear the same interest and penalties as DeKalb County taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than \$25,000.00 at any one calendar year, shall be transmitted by DeKalb County to the board and shall be expended by the board only for the purposes authorized by this section.

(2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing DeKalb County so it may include the levy on its regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb County shall be segregated, and neither the City of Stonecrest nor the DeKalb County Tax Commissioner shall expend such funds for any purpose not authorized by the board except as authorized in subsection (a) of this section.

(3) If, but for this provision, a parcel of real property is removed from the district or otherwise would become not subject to taxation, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.

(4) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in subsection (a) of this section may, upon application to the city council, receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the City of Stonecrest against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia Development Impact Fee Act." Application for such development impact fee credit may be granted by legislative action of the city council in its discretion.

(f) Boundaries of the district.

(1) The boundaries of the district shall be as designated as such by the city council as set forth in the resolution required in subsection (c) of this section, or as may thereafter be added as provided in this section.

(2) The boundaries of the district may be increased after the initial creation of the district pursuant to the following:

(A) Written consent of a majority of the owners of real property within the area sought to be annexed into the district and which will be subject to taxes, fees, and assessments levied by the board of the district;

(B) Written consent of owners of real property within the area sought to be annexed into the district which constitutes at least 75 percent by value of the property which will be subject to

taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;

(C) The adoption of a resolution consenting to the annexation into the district by the board of the district; and

(D) The adoption of a resolution consenting to the annexation into the district by the city council.

(g) Debt. Except as otherwise provided in this section, each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law, prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, which debt shall be backed by the full faith and credit and taxing power of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State of Georgia other than the district.

(h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant to this section shall be provided for in a cooperation agreement executed jointly by the board and by the City of Stonecrest. The provisions of this section shall in no way limit the authority of the City of Stonecrest to provide services or facilities within the district; and the City of Stonecrest shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.

**(i) Powers.**

(1) The district and its board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, without limiting the generality of the foregoing, the power:

(A) To bring and defend actions;

(B) To adopt and amend a corporate seal;

(C) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects contracts with respect to the use of projects, and agreements with other jurisdictions of community improvement districts regarding multi-jurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;

(D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;

(E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any project from the proceeds of the district

or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;

(F) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;

(G) To issue bonds, notes, or other obligations of the district and use the proceeds for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;

(H) To make application directly or indirectly to any federal or county government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, or county government or agency or other source;

(I) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;

(J) To contract for any period, not exceeding 50 years, with the State of Georgia, any institution or instrumentality of the State of Georgia, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such institution or instrumentality of this state or any municipal corporation, county, or political subdivision of this state, or for the use by any institution or instrumentality of this state, any municipal corporation, county, or political subdivision of this state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;

(K) To receive and use the proceeds of any tax levied by the county to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant hereto;

(L) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;

(M) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the district and the public purposes thereof;

(N) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

(O) To encourage and promote the improvement and development of the district and to make, contracts for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with DeKalb County and the City of Stonecrest;

(P) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;

(Q) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district;

(R) To invest its funds, whether derived from the issuance of bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;

(S) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing DeKalb County or municipal services; and

(T) To do all things necessary or convenient to carry out the powers conferred by this section.

(2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are cumulative of and in addition to those powers enumerated in this subsection and elsewhere in this section; and no such power limits or restricts any other power of the board.

(3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are conferred for an essential governmental function for a public purpose, and the revenues and debt of any district shall not be subject to taxation.

**(j) Bonds—Generally.**

(1) Notes or other obligations issued by a district other than general obligation bonds shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith and credit and taxing power of the district shall be pledged.

(2) All bonds, notes, and other obligations of any district shall be authorized by resolution of the board, adopted by a majority vote of the board members at a regular or special meeting.

(3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.

(4) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this section. The refunding bonds may be exchanged for the bonds to be refunded, with such cash

adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

(5) There shall be no limitation upon the interest rates or any maximum interest rate or rates on any bonds, notes, or other obligations of any district, and the usury laws of this state shall not apply to bonds, notes, or other obligations of any district.

(6) Bonds issued by a district may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(7) All bonds issued by a district pursuant to this section shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of DeKalb County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the judgment of validation and shall be received as original evidence in any court in this state.

(8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the maturities of such bonds, the notice to the district attorney or the Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time so specified and that the principal amount will not exceed a specified amount and the final maturity date will not be later a date specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate which may be fixed or may fluctuate or otherwise change from time to time so specified; provided, however, that nothing in this subsection shall be construed as prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing so the effective interest cost resulting would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(9) The terms "cost of the project" and "cost of any project" shall have the meaning prescribed in this section whenever those terms are referred to in bond resolutions of a board; in bonds, notes, or other obligations of the district; or in notices or proceedings to validate such bonds, notes, or other obligations of a district.

(k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes, and other obligations; subsequent issues of obligations.

(1) Subject to the limitations and procedures provided by this section and by subsection (j) of this section, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by the board.

(2) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this section, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this section.

(3) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(4) In the event that the district shall be terminated in accordance with this section, the board shall serve until December 31 of the year in which termination shall be approved for the purpose of concluding any ongoing matters and projects, but, if such cannot be concluded by December 31, then the city council shall assume the duties of the administrative board and shall be expressly authorized to exercise the authority of the administrative board. In the alternative, the city council may, by resolution, assume all rights and obligations of the district, either bonds or otherwise, and the district shall cease to exist upon the adoption of such resolution.

(l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication except those required in this section shall be necessary to the performance of any action authorized hereby, nor shall any such action be subject to referendum.

(m) Dissolution.

(1) Any district activated under the provisions of this section may be dissolved. The conditions for such dissolution shall be:

(A) The adoption of a resolution approving of the dissolution of the community improvement district by the city council; and

(B) The written consent to the dissolution of the community improvement district by:

(i) Two-thirds of the owners of real property within the district which are subject to taxes, fees, and assessments levied by the board of the district; and

(ii) The owners of real property constituting at least 75 percent by value of all real property within the district which are subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

The written consent provided for in this subparagraph shall be submitted to the DeKalb County Tax Commissioner, who shall certify whether divisions (i) and (ii) of this subparagraph have been satisfied with respect to each proposed district dissolution.

(2) In the event that successful action is taken pursuant to this subsection to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.

(3) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in subsection (a) of this section, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to DeKalb County.

(4) When a dissolution becomes effective, the City of Stonecrest shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.