



## CITY OF STONECREST, GEORGIA

### CITY COUNCIL WORK SESSION – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, May 08, 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** - Zoning Ordinance Changes per HB1405 - *Alicia Thompson*

**b. For Discussion** - TMOD 22-012 Animal Exhibition - *Ray White*

**c. For Discussion** - TMOD 22-014 CPIM Ordinance - *Ray White*

**d. For Discussion** - TMOD 22-015 Sign Ordinance - *Ray White*

**e. For Discussion** - TMOD 22-017 Hotels & Motels - *Ray White*

**f. For Discussion** - Major Plat Approval - *Ray White*

**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

**SUBJECT: Zoning Procedure Changes - HB1405**

**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):** 04/10/23 & Click or tap to enter a date.

**Current Work Session:** Monday, May 8, 2023

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

**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:** Discussion

**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 -

36-66-1.

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

36-66-2.

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

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

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

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

36-66-3.

As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

36-66-4.

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

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

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

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

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

(c) If the zoning decision of a local government is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the local government.

(d) If the zoning is for property to be annexed into a municipality, then:

(1) Such municipal local government shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2;  
or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions 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

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

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

36-66-5.1.

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

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

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

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

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

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

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

(2) The elected official or his or designee who shall have authority to accept service and 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

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

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

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

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

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

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

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

(6) Whether there are other existing or changing conditions affecting the use of the nearby property as a military base, military installation, or military airport which give 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.



## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-22-012 Animal Exhibition**

**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):** 04/24/23 & 03/27/23

**Current Work Session:** Monday, May 8, 2023

**Current Council Meeting:** Monday, May 8, 2023

**SUBMITTED BY:** Raymond White, Planning & Zoning Director

**PRESENTER:** Raymond White, Planning & Zoning Director

**PURPOSE:** The following document includes recommended zoning language for regulation of a land use in the City of Stonecrest, which can result in the operation of an “Animal Exhibition” as defined by the USDA “Animal Welfare Act and Animal Welfare Regulations”.

**FACTS:** The staff created a text amendment to require land use compliance and to establish future regulations for like and similar establishments.

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

**RECOMMENDED ACTION:** Approval

### ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Background & Approach Summary
- (3) Attachment 3 - Legal Elements
- (4) Attachment 4 - Principal Uses and Structures

### **Staff Report**

The council and Mayor voted to defer the Animal Exhibition approval on Monday, April 24, 2023. The reason for this deferral was to address the need for more information regarding the development status of the property associated with this proposed ordinance. Staff has reviewed the intent of the locational factor associated with this use and has noted that there is a need for clarification regarding the location of Outdoor Animal Exhibitions, especially in the Arabia Mountain Overlay District. Please review the narrative in the “Principal uses and structures element” below as part of this staff report.



The Mayor and City Council of the City of Stonecrest desire a review of TMOD 2022-012, which concerns an Ordinance text modification that would allow consideration of “animal exhibitions” as regulated by the USDA “Animal Welfare Act and Animal Welfare Regulations” in appropriate locations in the city. Identification of these locations is based on compatibility of animal exhibitions with the intent of the character areas reflected on the Future Development Map and goals and policies adopted in the City of Stonecrest Comprehensive Plan 2038.

This review also examines development standards designed to minimize potentially adverse impacts of such a use on the Stonecrest community and surrounding uses. These standards are proposed for incorporation into Division 2. Supplemental Use Regulations of the Stonecrest Zoning Ordinance. Finally, review of TMOD 2022-012 seeks to establish procedures for Mayor and Council in determining the appropriateness of animal exhibitions.

### Approach

The approach to identifying those character areas most appropriate to the proposed animal exhibition use is proposed as an analysis using the standards of review of the Ordinance. These standards are found in Sec. 7.3.5. *Standards and factors governing review of proposed amendments to the official zoning map.* The standards have been used to assess (1) the compatibility of the proposed animal exhibitions with the comprehensive plan, specifically compatibility with the chosen character areas for which the exhibitions are proposed, (2) consistency with the purpose and intent of the underlying zoning districts associated with those character areas, (3) similarity of the proposed use with uses allowed in the selected zoning districts and (4) compatibility of the use as concerns impact on street network and other public infrastructure.

In considering potential locations for animal exhibitions based on compatibility with certain character areas and zoning districts, it was quickly acknowledged that animal exhibitions were a commercial use not compatible with residential districts. Animal exhibitions were determined to be equally incompatible with industrial uses at the other end of the land use spectrum. Guidance for evaluating locations for animal exhibitions came from the statements of intent of the character areas identified in the Comprehensive Plan 2038.

An important consideration in identifying appropriate locations for animal exhibitions, particularly indoor animal exhibitions, is the transportation network. Another consideration was the location of those character areas planned for commercial development. These character areas are found primarily along I-20.

Animal exhibitions are characterized as either “Indoor Animal Exhibitions” or “Outdoor Animal Exhibitions.”



## **CITY COUNCIL AGENDA ITEM**

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

STATE OF GEORGIA  
DEKALB COUNTY  
CITY OF STONECREST

ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,  
2  
3 GEORGIA, BY AMENDING DIVISION 1 (OVERVIEW OF USE CATEGORIES AND  
4  
5 USE TABLE) AND DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF ARTICLE  
6  
7 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS) WITHIN CHAPTER 27  
8  
9 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY;  
10  
11 TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR  
12  
13 AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL  
14  
15 PURPOSES.

16  
17 WHEREAS, the governing body of the City of Stonecrest ("City") is the Mayor and  
18  
19 City Council thereof; and  
20

21 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of  
22  
23 Georgia authorizes the City to adopt plans and exercise the power of zoning; and  
24

25 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to  
26  
27 adopt ordinances relating to its property, affairs, and local government; and  
28

29 WHEREAS, the Mayor and City Council desire to amend Division 1 (Overview of Use Categories  
30  
31 and Use Table) and Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) and  
32  
33 Article 9 (Definitions) within Chapter 27 (Zoning Ordinance); and  
34

35 WHEREAS, from time-to-time amendments may be proposed for public necessity,



36  
37 general welfare, or sound zoning practice that justify such action; and  
38

39 **WHEREAS**, the Director of Planning and Planning Commission recommend approval  
40  
41 based on the City Staff Report and said report is hereby incorporated by reference herein; and  
42

43 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Law  
44 has  
45  
46 been properly held prior to the adoption of this Ordinance; and  
47

48 **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
49  
50 impacted by the adoption of this Ordinance.  
51

52 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**  
53  
54 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:  
55

56 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by  
57  
58 amending Division 1 (Overview of Use Categories and Use Table) and Division 2 (Supplemental  
59  
60 Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions) within Chapter 27  
61  
62 (Zoning Ordinance); within Chapter 27 (Zoning Ordinance); by adopting the provisions set forth  
63  
64 in Exhibit A attached hereto and made a part hereof by reference.  
65

66 **Section 2.** That text added to current law appears in red, bold and underlined. Text  
67 removed from current law appears as ~~red, bold and strikethrough~~.

68 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby  
69 incorporated by reference as if fully set out herein.

70 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
71 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
72 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

**Section 8.** It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

111 Stonecrest, Georgia.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

[SIGNATURES TO FOLLOW]

**CITY OF STONECREST, GEORGIA**

\_\_\_\_\_  
**Jazzmin Cobble, Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

**EXHIBIT A**  
**(SEE ATTACHED)**

113



13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and Statutes :: US Law :: Justia

As relates to *Outdoor Animal Exhibitions*, such use shall comply with paragraphs 1. through 13 directly above and the following additional regulations:

1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 AM and 8:00 PM.

2. No building that houses animals, or enclosure that confines animals, shall be placed less than one hundred (100) feet from a common property boundary with a residential use or a residential zoning district.

CHAPTER 27: ZONING ORDINANCE

ARTICLE 9 – DEFINITIONS

Indoor Animal Exhibitions means the display of any animal to the public in an enclosed building. Such exhibitions may include, but are not limited to indoor zoos, indoor petting zoos, aquariums, bird aviaries, butterfly exhibits, museums with live exhibits and educational venues. Indoor animal exhibitions shall not include retail pet stores, the keeping of household pets, livestock shows, purebred dog or cat shows, and similar events.

Outdoor Animal Exhibitions means the display of any animal to the public in an open-air structure such as a corral or other fenced area. Outdoor animal exhibitions may include, but are not limited to, outdoor zoos, outdoor petting zoos, wildlife or fauna parks and similar venues. This use shall not include agricultural fairs, livestock shows, purebred dog or cat shows, or similar events. Outdoor animal exhibitions are not considered agricultural fairs where animals are displayed on exhibition grounds for comparing and judging the qualities and characteristics of various breeds and species of animals. The main purpose of such exhibitions is not to market “for sale,” animals, but merely for their display.

For purposes of this text modification, carnivals, circuses, and similar venues are not considered outdoor animal exhibitions; rather these temporary events are subject to the regulations of Sec. 4.3.1. Temporary outdoor uses, general requirements; Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Sec. 4.3.5. Temporary outdoor events.

- 153 4. Provide written permission from the owner or property manager of the building to  
154 be occupied as an indoor Animal Exhibition to the City.
- 155 5. Display a copy of all required valid licenses and permits in a prominent place on  
156 premises.
- 157 6. Be licensed and comply with all rules and regulations for a "Licensed Class C –  
158 Exhibitor" under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated  
159 by the United States Department of Agriculture (USDA) regulations established in  
160 the most recent issue of "USDA Animal Care – Animal Welfare Act and Animal  
161 Welfare Regulations" (aka the USDA Blue Book).  
162 [https://www.aphis.usda.gov/animal\\_welfare/downloads/bluebook-ac-awa.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).  
163 All required licensing shall be renewed prior to expiration and a copy provided to  
164 the City. Upon expiration or non-renewal of the license, the use shall immediately  
165 cease operations until a copy of a valid license is provided to the City.
- 166 7. Comply with the Georgia Department of Agriculture Animal Health Division  
167 regulations as established in the Rules and Regulations of the State of GA Chapter  
168 40-13.
- 169 8. Comply with applicable standards of the Georgia Department of Natural Resources  
170 (DNR) for the regulation of non-native species as per the regulated wild  
171 animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species  
172 found in O.C.G.A. §27-5-4.
- 173 9. Comply with applicable regulations and standards for regulated native species as  
174 per the Georgia DNR's laws related to native wildlife ([https://gadnrle.org/laws-](https://gadnrle.org/laws-native-wildlife)  
175 native-wildlife). The Georgia DNR shall be notified prior to adding additional  
176 regulated species prior to acquisition. Proof of notification and approval may be  
177 required at any time by the City of Stonecrest to ensure compatibility.
- 178 10. Comply with the Georgia Department of Agriculture (GDA) regulations for general  
179 requirements for animal health and disease prevention, including following all  
180 requirements for importing animals from out of state, for intrastate transportation,  
181 vaccination and quarantine requirements, as applicable, as per the Rules and  
182 Regulations of the State of Georgia Chapter 40-13  
183 (<http://rules.sos.state.ga.us/GAC/40-13>).
- 184 11. Comply with the Georgia Department of Public Health regulations pertaining to  
185 reporting rabies exposure.
- 186 12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb  
187 County Code of Ordinances, Chapter 5 – Animals  
188 ([https://library.municode.com/ga/dekalb\\_county/codes/code\\_of\\_ordinances?nodeId](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN)  
189 =CODECO\_CH5AN).



Recreation club	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P					P						S P	✓	
Places of worship	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																	P	P	P	P				✓	
Swimming pools, commercial	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	P	P		P	P	P	P			P a	P a	✓	
Tennis courts, swimming pools, play or recreation areas, community,	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P	P		P	P	P	P			P a	P a	✓	
Use	R E	R L G	R - 1 0 0	R - 8 5	R - 7 5	R - 6 0	R S M	M R - 1	M R - 2	H R - 1 , 2 , 3	M H P	R N C	O I	O I T	N S	C - 1	C - 2	O D	M	M - 2	M U - 1	M U - 2	M U - 3	M U - 4 , 5	See Section 4.2

Table 4.1. Use Table

## CHAPTER 27: ZONING ORDINANCE

## ARTICLE 4 – USE REGULATIONS

## DIVISION 2. SUPPLEMENTAL USE REGULATIONS

As relates to Indoor Animal Exhibitions, such use shall:

1. Be conducted entirely within an enclosed building.
2. Not produce noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners or property owners.
3. Be properly insured and provide proof of such insurance to the City of Stonecrest.

32

## CHAPTER 27: ZONING ORDINANCE

## ARTICLE 4 – USE REGULATIONS

## DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

## Sec. 4.1.3. Use table.

Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article 3 of this chapter, overlay districts.

- A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
1. A permitted use (P);
  2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
  3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
  4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  5. Uses lawfully established prior to the effective date of this zoning ordinance.
- B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.
- C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

INSTITUTIONAL/PUBLIC																			
Community Facilities																			
Animal Exhibition, Indoor																	S P	S P	
Animal Exhibition, Outdoor																	S P	S P	
Aquarium /Indoor/ Outdoor Exhibition																	S P	S P	



#### 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.

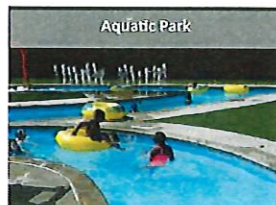
As concerns guidance from the Comprehensive Plan ordinance, that document records that ““All zoning districts” identified in the Ordinance are considered compatible with the Conservation and Open Space (COS) Character Area (as below). [It is often the case that elected officials are not as keenly aware of the policy documents they approve as is Staff. That is understandable, given the volume of materials they must read, but this entire exercise relied on the policies adopted in both the Comprehensive Plan and the Zoning Ordinance. I believe we should emphasize that as we did not pull the recommendations out of the air.]

Conservation/Open Space (COS) Primary Land Uses	
Passive Parks and Nature trails	
Flood Plains, Wetlands, and Watersheds	
Golf Courses	
Athletic Fields and Recreation Facilities	
Amphitheaters	



#### Permitted Zoning in COS Areas

ALL Zoning Districts

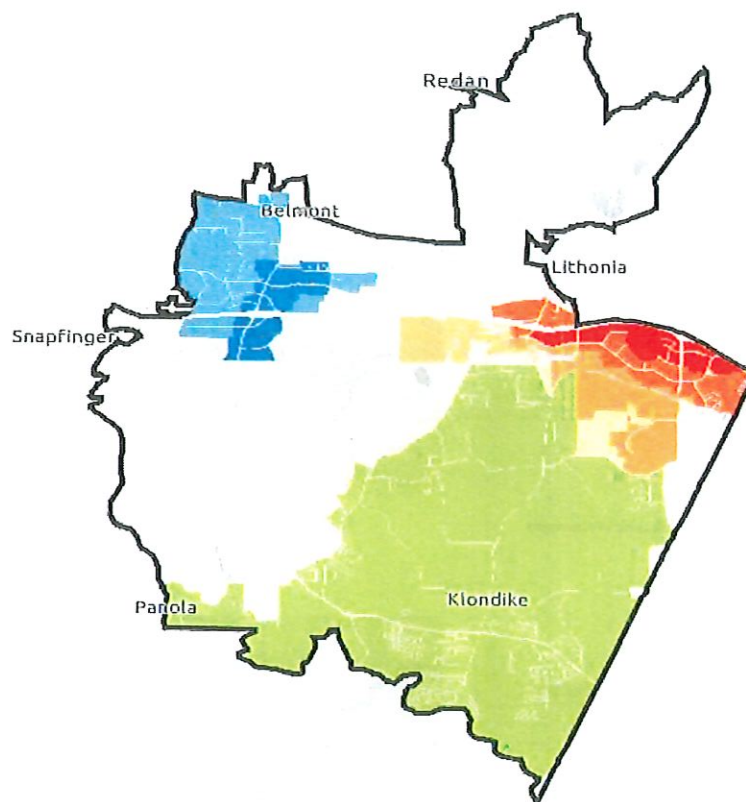


Land Use Designation		Use Description	Maximum Density Units/Acre	Permitted Districts
City/County	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields;	N/A	All
		Amphitheaters		

Many of these uses are far more intensive than an Outdoor Animal Exhibition.

Conservation/Open Space Development Policies adopted in the Comprehensive Plan include “Recreation Destinations – Promote conservation and greenspace areas as passive use and recreation destinations.” Arguably, the Outdoor Animal Exhibitions comprise such recreation destinations.

The Conservation and Open Space (COS) Character Area Character Area and the AMCOD feature the least developed geography in the city. Outdoor Animal Exhibitions are typically established in a semi-rural setting. Examples given were Noah's Ark Animal Sanctuary in Henry County and Wild Animal Safari in Pine Mountain, both semi-rural areas. Land not encompassed in the Overlay is encompassed in the "Rural Residential" Character Area. We are not trying to sell any use on any portion of the city. However, if Council would decide to entertain the Outdoor Animal Exhibition use, we believe the properties within the Conservation and Open Space (COS) Character Area AND the Arabia Mountain Conservation Overlay District (in green highlight) are best suited for this use.



As not all properties in this Character Area and the Overlay will be suitable for this use given the uses on surrounding properties, this is where the discretion achieved by the Special Land Use Permit process comes in. That discretion allows Council to approve only those properties suitable for such a use in light of surrounding uses. In fact, market demand would in all likelihood support only one such Outdoor Animal Exhibition.

Sec. 4.1.2. Interpretation of unlisted uses.

Where a particular use is not specifically listed in Table 4.1, Use Table, the director of planning shall have the authority to permit the use if the use is similar to uses permitted by this article. The director of planning shall give due consideration to the purpose and intent statements contained in this zoning chapter concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.

This administrative authority is common in zoning ordinances.

Finally, to reiterate, the C-1 and C-2 zoning districts are not proposed for the Conservation/Open Space Character Area or and for properties within the Arabia Mountain Conservation Overlay District. The uses now permitted in the Overlay are as follows with Outdoor Animal Exhibitions being proposed:

1. Recreation, passive and nature preserve.
2. Dog parks.
3. Bed and breakfast homes.
4. Outdoor concert halls.
5. Urban Gardens.
6. Outdoor animal exhibitions.





## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-22-014 CPIM Ordinance**

**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):** 12/12/22 & 01/9/23

**Current Work Session:** Monday, May 8, 2023

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

**SUBMITTED BY:** Tre'Jon Singletary, Senior Planner of Planning and Zoning

**PRESENTER:** Raymond White, Director of Planning and Zoning

**PURPOSE:** The purpose is to provide an opportunity for the community to ask questions and/or express concerns to the applicant.

**FACTS:** The Community Planning Information Meeting is not listed as a required procedure for public hearings in Article 7, Division 2.

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

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:**

- (1) Attachment 1 - Facts & Background
- (2) Attachment 2 - Current Zoning Calendar 2023
- (3) Attachment 3 - Current Zoning Ordinance
- (4) Attachment 4 - Recommended Zoning Ordinance

# Facts & Background

- CPIM = Community Planning Information Meeting
- Purpose
  - a. Allow staff and applicants to inform the public of upcoming developments/projects;
  - b. Allow the citizens of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;
  - c. Bridge the relationships between developers, residents, and staff
- Occurrence
  - Every second Tuesday of each month

# Current Zoning Calendar 2023

PRE-APPLICATION MTG DEADLINE	SUBMITTAL DEADLINE	COMMUNITY PLANNING INFORMATION MEETING	PLANNING COMMISSION MEETING	CITY COUNCIL WORK SESSION	CITY COUNCIL MEETING
<b>10/18/2022</b>	11/1/2022	12/8/2022	1/3/2023	2/13/2023	2/27/2023
<b>11/15/2022</b>	12/6/2022	1/19/2023	2/7/2023	3/13/2023	3/27/2023
<b>12/20/2022</b>	1/3/2023	02/9/2023	3/7/2023	4/10/2023	4/24/2023
<b>01/17/2023</b>	02/02/2023	03/9/2023	4/4/2023	5/8/2023	05/22/2023
<b>02/14/2023</b>	03/02/2023	04/13/2023	05/02/2023	6/12/2023	06/26/2023
<b>03/21/2023</b>	04/04/2023	05/11/2023	06/06/2023	7/10/2023	07/24/2023
<b>04/18/2023</b>	05/02/2023	06/08/2023	*TBA	8/14/2023	08/28/2023
<b>05/16/2023</b>	06/06/2023	07/13/2023	08/01/2023	9/11/2023	09/25/2023
<b>06/20/2023</b>	*07/11/23	08/10/2023	09/05/2023	10/9/2023	10/23/2023
<b>07/18/2023</b>	08/02/2023	09/14/2023	10/03/2023	11/13/2023	11/27/2023
<b>08/15/2023</b>	09/05/2023	10/12/2023	11/07/2023		TBA
<b>09/19/2023</b>	10/03/2023	11/09/2023	12/05/2023		TBA
<b>10/17/2023</b>	11/07/2023	12/14/2023	01/02/2024		TBA
<b>11/21/2023</b>	12/05/2023	01/11/2024	02/06/2024		TBA

# Current Sec. 7.2.2. Applications



## Sec. 7.2.2. - Applications.

- A. *Applications for city action that require a public hearing.* Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council and the campaign disclosure required by O.C.G.A. § 36-67A-3. Applications and procedures shall be made available to the public in the offices of the planning department.
- B. *Processing of said applications.* The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.
  - 1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.
  - 2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.
  - 3. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.
- C. *Application fees.* The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.
- D. *Site plan preparation.* The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.
- E. *Notice of applications filed.* The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.
- F. *Withdrawal of application by applicant.* Applications may not be withdrawn without permission of the city council after they have been filed for advertising for public hearing, except as otherwise provided herein.
- G. *City clerk to provide signed copy of final actions taken by the city council to director of planning to be noted on official zoning maps.* The clerk shall, after any final action taken by the city council, provide to the director of planning a signed, certified copy of each such action. The director of planning shall cause all relevant documents to be amended accordingly to reflect the final action approved by the city council.
- H. *Resubmittal of rejected or denied applications.*
  - 1. *Rezoning.*
    - a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of 24 months from the date of the city council's final decision.
    - b. Notwithstanding subsection H.1.a. of this section, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required

## H. *Resubmittal of rejected or denied applications.*

- 1. *Rezoning.*
  - a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of 24 months from the date of the city council's final decision.
  - b. Notwithstanding subsection H.1.a. of this section, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter, which currently is six months as of the date of adoption of the ordinance from which this division is derived.
  - c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.
- 2. *Variance.*
  - a. An application for a variance affecting all or a portion of the same property for which an application for variance for the same regulation was denied shall not be submitted before 24 months have passed from the date of final decision by the zoning board of appeals on the previous variance.
  - b. The zoning board of appeals may reduce this 24-month time restriction by resolution, provided that the time restriction between the date of said denial and any subsequent application affecting the same property shall be no less than six months.
  - c. An applicant may request that the zoning board of appeals allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.
- 3. *Special land use permit.*
  - a. An application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before 24 months have passed from the date of final decision by the city council on the previous special land use permit.
  - b. Notwithstanding section a. above, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is six months as of the date of adoption of the ordinance from which this division is derived.
  - c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

# Recommended Sec. 7.2.2. Applications

## Sec. 7.2.2. Applications.

- A. *Applications for city action that require a public hearing.* Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council and the campaign disclosure required by O.C.G.A. § 36-67A-3. Applications and procedures shall be made available to the public in the offices of the planning department.
- B. *Processing of said applications.* The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.
  - 1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.
  - 2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.
  - 3. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.
- C. *Application fees.* The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.
- D. *Site plan preparation.* The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.
- E. *Notice of applications filed.* The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.
- F. *Community Planning Information Meeting (CPIM).* The Planning and Zoning Department will host an informational meeting for citizens to understand the zoning process and to be aware of pending zoning requests within the City of Stonecrest. This meeting is held for the applicant and the Planning and Zoning Department to share information about proposed zoning requests to the community.
  - 1. The dates and time of the informational meetings shall be adopted by the Mayor and Council on an annual basis and be noted concurrently with their regularly scheduled meeting dates.
  - 2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at the informational meeting for citizens.
  - 3. The Planning and Zoning Director and/or his/her designee(s) shall be present at the meeting to discuss the proposed petition and answer any questions from the community.
  - 4. Applicants and/or his/her designee(s) shall be present at the CPIM.

F. *Community Planning Information Meeting (CPIM).* The Planning and Zoning Department will host an informational meeting for citizens to understand the zoning process and to be aware of pending zoning requests within the City of Stonecrest. This meeting is held for the applicant and the Planning and Zoning Department to share information about proposed zoning requests to the community.

- 1. The dates and time of the informational meetings shall be adopted by the Mayor and Council on an annual basis and be noted concurrently with their regularly scheduled meeting dates.
- 2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at the informational meeting for citizens.
- 3. The Planning and Zoning Director and/or his/her designee(s) shall be present at the meeting to discuss the proposed petition and answer any questions from the community.
- 4. Applicants and/or his/her designee(s) shall be present at the CPIM.



## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-22-015 Sign Ordinance**

**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 a new ordinance

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

**Previously Heard Date(s):** 12/12/22 & 01/09/23

**Current Work Session:** Monday, May 8, 2023

**Current Council Meeting:**

**SUBMITTED BY:** Raymond White, Planning and Zoning Director

**PRESENTER:** Raymond White, Planning and Zoning Director

**PURPOSE:** To amend the existing sign ordinance in regards to terms and definitions, amendments and additions.

**FACTS:** On December 12<sup>th</sup>, the Planning & Zoning Department presented changes regarding terms and definitions, amendments to existing sections and creating new sections regarding construction signage. City Council asked staff to create a section regarding Place of Worship and Political signs.

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

**RECOMMENDED ACTION:** Discussion Only

**ATTACHMENTS:**

(1) Attachment 1 - Ordinance Update

# TMOD-22-015

## STONECREST ZONING ORDINANCE UPDATE

### Revisions to the Sign Ordinance, Chapter 21

#### Sec. 21-1. - Purpose and findings.

(14) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

#### Sec. 21-2. - Definitions.

*Parapet Wall:* That integral part of a wall that extends above the top of a building.

*Parapet Wall Sign:* A sign attached parallel to but within 12 inches of a parapet wall, painted on a parapet wall, or erected and confined within a parapet wall, which is supported by said parapet wall and which displays only one sign face.

*Shopping center:* Three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

~~Sign means a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For the purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein. Seasonal holiday decorations shall not be included within the definition of the term "sign" and regulated as such.~~

*Sign:* Any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" shall include both "sign face" and "sign structure."

*Sign Face:* The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.



*Subdivision Entrance Sign:* A sign installed at the entrance of a subdivision approved pursuant to the Land Subdivision Ordinance of the City of Stonecrest.

*Temporary Sign:* A sign mounted on a stake or metal frame that is used for a limited time period and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

~~Wayfinding~~ *Directional sign* means signage used to assist the public in navigating and locating parking, individual tenants, activity centers, ingress/egress points, and other features internal to a mixed-use development and that is not visible from public rights-of-way.

#### **Sec. 21-23. - Permits.**

b) Existing signs which conform to the provisions of this chapter that would be required to obtain a permit under the regulations of this chapter must register with the **Director of Planning** within 90 days of the effective date of the ordinance from which this chapter is derived if such signs do not have a valid permit pursuant to a previous ordinance and pay a permit fee. The information provided for registration will be the same information required in a permit application under [section 21-24](#). No permit fee will be required for the registration of existing signs which have a current valid permit under any previous ordinance regulating sign.

#### **Sec. 21-28. - Enforcement and penalties.**

a) The **Director of Code Enforcement** may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this chapter or in violation of any other applicable ordinance regulating signage, including, but not limited to, the building and electrical codes.

#### **Sec. 21-61. - Fees.**

The cost of a sign permit shall be established by the city council and collected by the **Director of Planning**.

#### **Sec. 21-62. – Prohibited signs.**

**(21) Human signs**

**(22) Billboard signs**



## Sec. 21-65. - Restrictions in residential zoning districts.

(A) There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

~~(2) Ground signs are prohibited, with the exception of monument signs;~~

(B) No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

(C) Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

(D) Reserved; and

(E) No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, private elementary, middle, or high school provided such sign meets all other requirements of this chapter.

(F) Entrance wall signs.

~~(1) Single-family residential:~~

~~One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.~~

~~(2) Townhome and multifamily:~~

~~Monument signs. One maximum 32-square-foot entry wall or monument sign or two single-faced entrance wall or monument signs not to exceed 16 square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including 500 linear feet of frontage. The sign shall have a maximum height of six feet (see exception), shall not be internally illuminated unless backlit illumination is used. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten feet in height~~

(g) Multifamily residential uses.

(1) Signs for multi-family residential uses zoned MR-1, MR-2, MR-3, HR-1, HR-2, HR-3 provisions per section 21-72 for nonresidential use sign regulations.

(Ord. of 8-2017, § 21-65)

- **Sec. 21-69. - Wall or projecting signs.**

(a)

Wall or projecting signs shall be securely fastened to the building surface.

(b)

No wall sign greater than 180 square feet shall be ~~placed below the 12th story of a building~~ confined to the upper 30 feet of the façade.

(c)

Projecting signs may project from the building up to two feet, provided that no projecting sign shall be maintained less than ten feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.

(d)

No wall or projecting sign shall extend above the parapet wall.

(e)

Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation.

(f)

Wall signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature sign.

(Ord. of 8-2017, § 21-69)

**Sec. 21-70. – ~~Ground signs~~ Monument Signs**

(a) ~~The height of any directional sign shall not be more than three feet above the ground.~~

~~(d) all ground signs in the MU-1-5 zoning districts shall be monument signs.~~

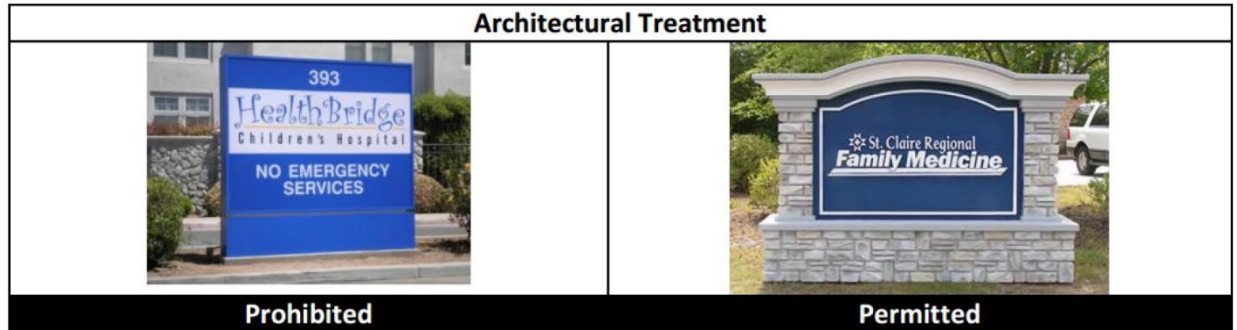


Table 21.72

	Monument Sign	Wall Sign	Directional Sign	Window Sign
Max. height	10'	N/A	3'	N/A
Max. width	20'	80 percent of the wall or canopy width	3'	N/A
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See <a href="#">section 21-69(b)</a> )	6	<del>30</del> 10 percent of the window space for buildings under 50,000 sq. ft. 10 percent of the window area for buildings 50,000 sq. ft. or over
Max. number allowed	One per <del>façade-street</del> frontage	1/ <del>primary</del> façade on buildings less than 8 stories; 2/ <del>and 1 secondary</del> façade on buildings 8 stories or more	2 authorized curb cut	N/A
Required setback from electrical	10'	N/A	0'	N/A

transmission lines				
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(b)

In lieu of the sign regulations of Table [21-72\(a\)](#) above, a lot developed as a planned commercial center shall be allowed the following:

TABLE [21-72\(b\)](#)

EXPAND

	Monument Sign	Wall Sign	Directional Sign
Max. height	10'; for properties over 40 acres, 12'	N/A	3'
Max. width	20'	80% of the wall or canopy width	3'
Max. sq. ft.	80	4 sq. ft. per linear foot of the wall, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See <a href="#">section 21-69(b)</a> )	6
Max. number allowed	1/street frontage	1/facade buildings less than eight stories; 2/facade on buildings eight stories or more	2/authorized curb cut
Max. projection from structure	N/A	6'	N/A

	Monument Sign	Wall Sign	Directional Sign
Required setback from electrical transmission lines	10'	N/A	0'

(c)

No property zoned for nonresidential use may have more than one ground sign that is oriented towards travelers along the same street.

#### **Sec. 21-82. - ~~Wayfinding signage.~~ Directional Signs**

(a)

*Location.* Directional signs shall not be affixed or otherwise attached to trees, traffic signals, benches, street signs, or fencing, and shall be subject to the following regulations:

(1)

Signs must allow for a minimum five-foot-wide clear pedestrian pathway to and from all building entrances and exits.

(2)

Signs for courtyard entries shall be limited to one sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten feet of the courtyard entrance.

(b)

*Size.* Directional signs shall be a maximum of 16 square feet in area and ten feet in height.

(c)

*Design.* Directional signs shall have a compatible design, be constructed of durable materials with a substantial base and landscape plantings, and colors that complement the existing allowable signage for the center subject to the approval of the director or his designee.

(d)

*Miscellaneous.*

(1)

Signs shall not be internally illuminated;

(2)

A sign permit is required for the directional package for a mixed-use development.

## **Sec. 21-83 Temporary Construction Signs**

*Temporary Signage During Construction:* Temporary signage during construction shall be permitted as follows:

(1)

In R-100 through R-5 and RNC zoning districts. Unilluminated signs are permitted in single-family, two-family, and multi-family-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one sign per dwelling not to exceed six square feet per contractor or subcontractor.

(2)

All other zoning districts: In all other zoning districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and six square feet per subcontractor.

(3)

A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued.

## **Sec. 21-84 Temporary Signs**

Temporary Sign Permit Required. The following temporary signs are permitted following issuance of a temporary sign permit.

1.

Promotional Signs. A temporary sign or attention getting device used to advertise a temporary special event.

a.

Air- or gas-filled balloons or other devices that have a capacity for air or gas that does not exceed 3 cubic feet.

b.

Flags, signs, pennants, streamers and banners, a maximum size of 32 square feet, except official government flags.

c.

Promotional signs can be used for a period not exceeding 10 consecutive days.

d.

No temporary sign permit for a promotional sign will be issued for the same premises more than 80 days per year.

e.

No business will be issued a promotional sign for more than one sign or device per street frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center is considered to have one street frontage.

f.

No sign can be located within the public right-of-way.

2.

Yard/Garage Sale Sign. A temporary sign used to advertise a yard/garage sale.

a.

No sign can be located within the public right-of-way.

b.

Signs must be on private property with the property owner's consent.

c.

No sign is allowed on a telephone pole, tree or traffic sign.

d.

The maximum size of a sign is 4 square feet per sign.

e.

Signs are permitted 2 days prior to sale and must be removed the day after the sale.

f.

The temporary sign permit must be displayed upon the request of any municipal officer or citizen requesting identification or proof of permission for the yard/garage sale.

g.

A maximum of 6 signs per yard/garage sale are allowed.

h.

The temporary sign permit is valid only for family use and may not exceed 3 per year.

3.

Grand Opening Signs. A temporary sign used to advertise a grand opening or final closing sale.

a.

On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.

b.

The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.

5.

Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.

a.

Signs are allowed for a maximum period of 2 consecutive days in any one week.

b.

A maximum of 3 signs per house/lot are allowed.

c.

Signs must be located within 2 miles of the property to which they refer, as measured along existing streets.

d.

No sign can be located within the public right-of-way.

e.

Signs cannot exceed a maximum area of 4 square feet per sign.

f.

Not more than 1 sign is allowed at any "T" intersection and no more than 2 signs are allowed at any 4-way intersection.

g.

Signs cannot have any balloons, streamers, and pennants attached to them.

h.

Such signs cannot be illuminated.

i.

Signs can only be placed on property with the owner's express written permission.

6.

On-Site Real Estate Signs. A temporary sign erected by the owner, or their agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

a.

Single-Family Residential District.

i.

Only one sign is permitted per lot or home for sale.

ii.

The sign cannot be illuminated.

iii.

The sign cannot exceed 6 square feet in area.



iv.

Signs must be removed within 10 days after the lot or building is leased, or sold.

b.

All Other Districts.

i.

Only 1 sign is permitted per parcel for sale or lease, except that corner lots may have 1 sign per frontage, separated by not less than 50 feet.

ii.

Once the building is occupied, no on-site real estate signs are allowed on the ground; they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.

iii.

The sign cannot be illuminated.

iv.

Each sign cannot exceed 32 square feet in area and 10 feet in height.

v.

Signs must be removed within 10 days after the lot or building is leased, or sold.

vi.

Signs cannot be located within the public right-of-way

7. Temporary Signs Not Requiring a Permit. The following temporary signs are allowed without the issuance of a temporary sign permit, provided they meet the specified standards below.

1.

Political Signs. A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office. A political sign cannot exceed 32 square feet in area and 8 feet in height. Sign must be removed the day after election.

2.

Civic or Educational Institutions. Temporary signs not exceeding 4 feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations are allowed, provided signs are posted not more than 2 days before the event and removed the day after the event.

## **Section 21-85 Signs Not Requiring a Permit**



## CITY COUNCIL AGENDA ITEM

**SUBJECT: TMOD-22-017 Hotels/Motels in Stonecrest Overlay**

**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):** 01/9/23 & Click or tap to enter a date.

**Current Work Session:** Monday, May 8, 2023

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

**SUBMITTED BY:** Tre'Jon Singletary, Senior Planner of Planning & Zoning

**PRESENTER:** Ray White, Director of Planning & Zoning

**PURPOSE:** To amend the Stonecrest Overlay to allow hotels/motels to be permitted uses.

**FACTS:** The text modification will amend Chapter 27 entitled Zoning Ordinance of the city's ordinance. Staff will elaborate on the permissible uses of hotels, motels, and extended stays within the Stonecrest Overlay District.

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

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:**

- (1) Attachment 1 - Current Definition (Sec. 9.1.3. Defined Terms)
- (2) Attachment 2 - Recommended Definition (Sec. 9.1.3. Defined Terms)



## CITY COUNCIL AGENDA ITEM

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- (3) Attachment 3 - Current Overlay Use Table (Sec. 3.1.6. Overlay Use Table)
- (4) Attachment 4 - Recommended Overlay Use Table (Sec. 3.1.6. Overlay Use Table)
- (5) Attachment 5 - Changes to Sec. 3.1.6 Overlay Use Table
- (6) Attachment 6 - Current Supplemental Use Regulations (Sec. 4.2.26. - Extended stay motels/hotels)
- (7) Attachment 7 - Recommended Supplemental Use Regulations (Sec. 4.2.26. - Extended stay motels/hotels)
- (8) Attachment 8 - Changes to Sec. 4.2.26. - Extended stay motels/hotels

## Current Definition (Sec.9.1.3. Defined Terms)

*Hotel/motel* means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

*Hotel/motel, extended stay*, means any building containing six or more guest rooms rented or leased for sleeping purposes for periods less than one month, but in excess of one week, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves, and ovens.

# Recommended Definition

## (Sec.9.1.3. Defined Terms)

- **Hotel** means an establishment providing transient lodging accommodations to the general public, and may provide additional services such as restaurants, in-building check-in/check-out services, meeting rooms and recreation facilities.
- **Motel** means an establishment providing transient lodging accommodations containing six (6) or more rooms with at least twenty five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- **Extended Stays, hotel or motel** means an establishment providing transient lodging accommodations, generally marketed to long-term visitors on a temporary basis, which contains kitchen facilities within individual units. Kitchens may include, but are not limited to counters, refrigerators, stoves, and ovens.

# Current Overlay Use Table

Item III. e.

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Conservation Overlay
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3	
<p>"Key: P - Permitted use  Pa - Permitted as an accessory Use  SA - Special administrative permit <u>required</u>  SP - Special Land Use Permit (SLUP) <u>required</u>  X - Prohibited Use</p> <p>* Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</p>							In Mixed Use	In Mixed Use	In Mixed Use	
Live/work unit	P	P	P	P						
Mobile home park										
Accessory uses or structures	Pa	Pa	Pa	Pa						
<b>Housing and Lodging</b>										
Bed and breakfast establishments	P	P	SP	P	P					
Boarding/Rooming house	P	P	P							
Child care home, up to 5	P	P	P	P						
Child care facility, 6 or more	P	P	P	P						
Child day care center	P	P	P	P	P					
Convents or monasteries	P	P	SP							
Dormitory	Pa	Pa	Pa	Pa						
Extended stay/motel	SP	SP	SP	SP			X	X	X	X
Fraternity house or sorority house	P	P	P	SP						
Hotel/Motel	X	X	X	X	X		P	P	P	
Nursing care facility or hospice	P	P	P	P						
Party House	X	X		X	X					
Personal care facility, 7 or more	P	P	P	P	P					
Personal care home, up to 6	P	P	P	P	P					
Senior housing	P	P	P	P						
Shelter for homeless persons, 7-20	SP	SP	SP	P						
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						
Short Term Vacation Rental										
Transitional housing facility, 7-20	SP	SP	SP	P						

# Recommended Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Cons Overlay
	T1	T2	T3	T4	T5*	T6*	In Mixed Use	In Mixed Use	In Mixed Use	
<p>"Key: P - Permitted use  Pa - Permitted as an accessory Use  SA - Special administrative permit required SP  - Special Land Use Permit (SLUP) requiredX - Prohibited Use</p> <p>* <u>Note</u> : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</p>										
Live/work unit	P	P	P	P						
Mobile home park										
Accessory uses or structures	Pa	Pa	Pa	Pa						
<b>Housing and Lodging</b>										
Bed and breakfast establishments	P	P	SP	P	P					
Boarding/Rooming house	P	P	P							
Child care home, up to 5	P	P	P	P						
Child care facility, 6 or more	P	P	P	P						
Child day care center	P	P	P	P	P					
Convents or monasteries	P	P	SP							
Dormitory	Pa	Pa	Pa	Pa						
Fraternity house or sorority house	P	P	P	SP						
Hotel	P	SP	X	X	X		P	P	P	
Nursing care facility or hospice	P	P	P	P						
Party House	X	X	X	X	X					
Personal care facility, 7 or more	P	P	P	P	P					
Personal care home, up to 6	P	P	P	P	P					
Senior housing	P	P	P	P						
Shelter for homeless persons, 7-20	SP	SP	SP	P						
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						
Short Term Vacation Rental										



# What changed?

- Extended Stays are prohibited in all Tiers of the Stonecrest Overlay District
- Motels are prohibited in all Tiers of the Stonecrest Overlay District
- Hotels are permitted in Stonecrest Tier 1 Overlay District
- Hotels are permitted with a Special Land Use Permit (SLUP) in Stonecrest Tier 2 Overlay District

# Current Sec. 4.2.26. - Extended stay motels/hotels

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## Sec. 4.2.26. Extended stay motels/hotels.

Item III. e.

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.
- B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air-conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within 1,000 feet of another extended stay motel/hotel.
- K. Change of location or name.
  - 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
  - 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
  - 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

## Recommended Sec. 4.2.26. - Extended stay motels/hotels

### Sec. 4.2.26. Extended stay motels/hotels.

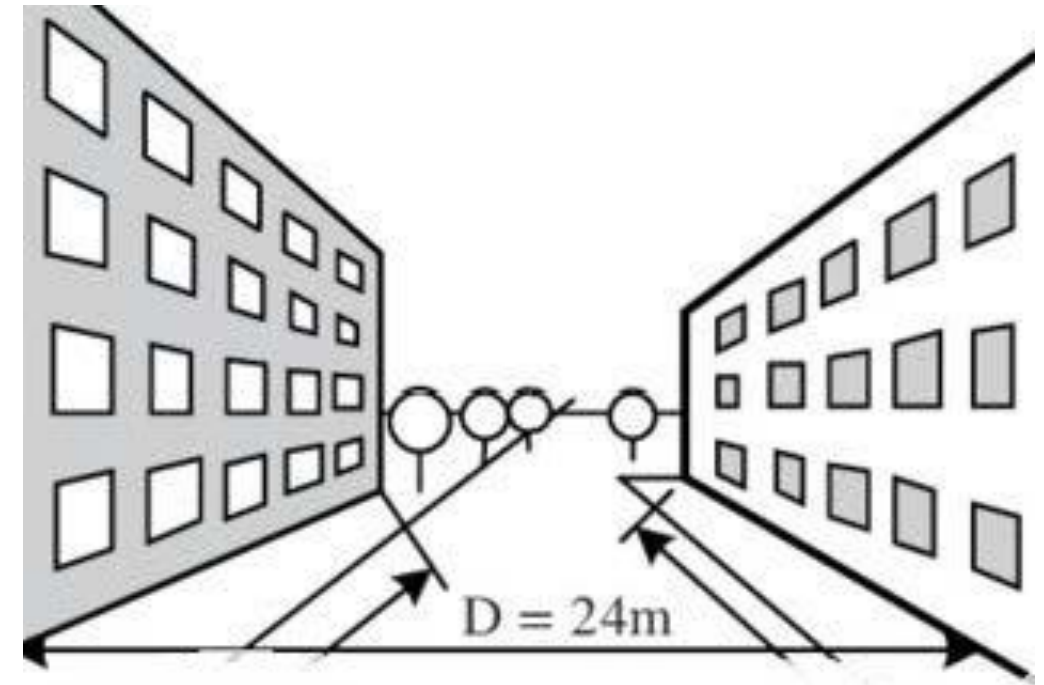
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- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air-conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within **500 feet** of another extended stay motel/hotel.
- K. Change of location or name.
  - 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
  - 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
  - 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

# What changed?

- Distance between hotels decreased from 1,000 feet to 500 feet.





## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Major Plat Approval**

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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.

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

☒ ORDINANCE    ☐ RESOLUTION    ☐ CONTRACT    ☐ POLICY    ☐ STATUS REPORT  
☐ OTHER, PLEASE STATE: Approval of a Major Plat

---

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

---

**Previously Heard Date(s):** 04/27/23 & 03/27/23

**Current Work Session:** Monday, May 8, 2023

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

---

**SUBMITTED BY:** Raymond White, Planning Director

**PRESENTER:** Ray White

**PURPOSE:** To seek approval from Council for a Major Plat Combination

**FACTS:** Foxdale Properties is seeking to combine five (5) parcels into one parcel for a future development

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

**RECOMMENDED ACTION:** Defer

**ATTACHMENTS:**

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Lot Consolidation Plat
- (3) Attachment 3 - Zoning Map
- (4) Attachment 4 - Proposed Development
- (5) Attachment 5 - Property Photos

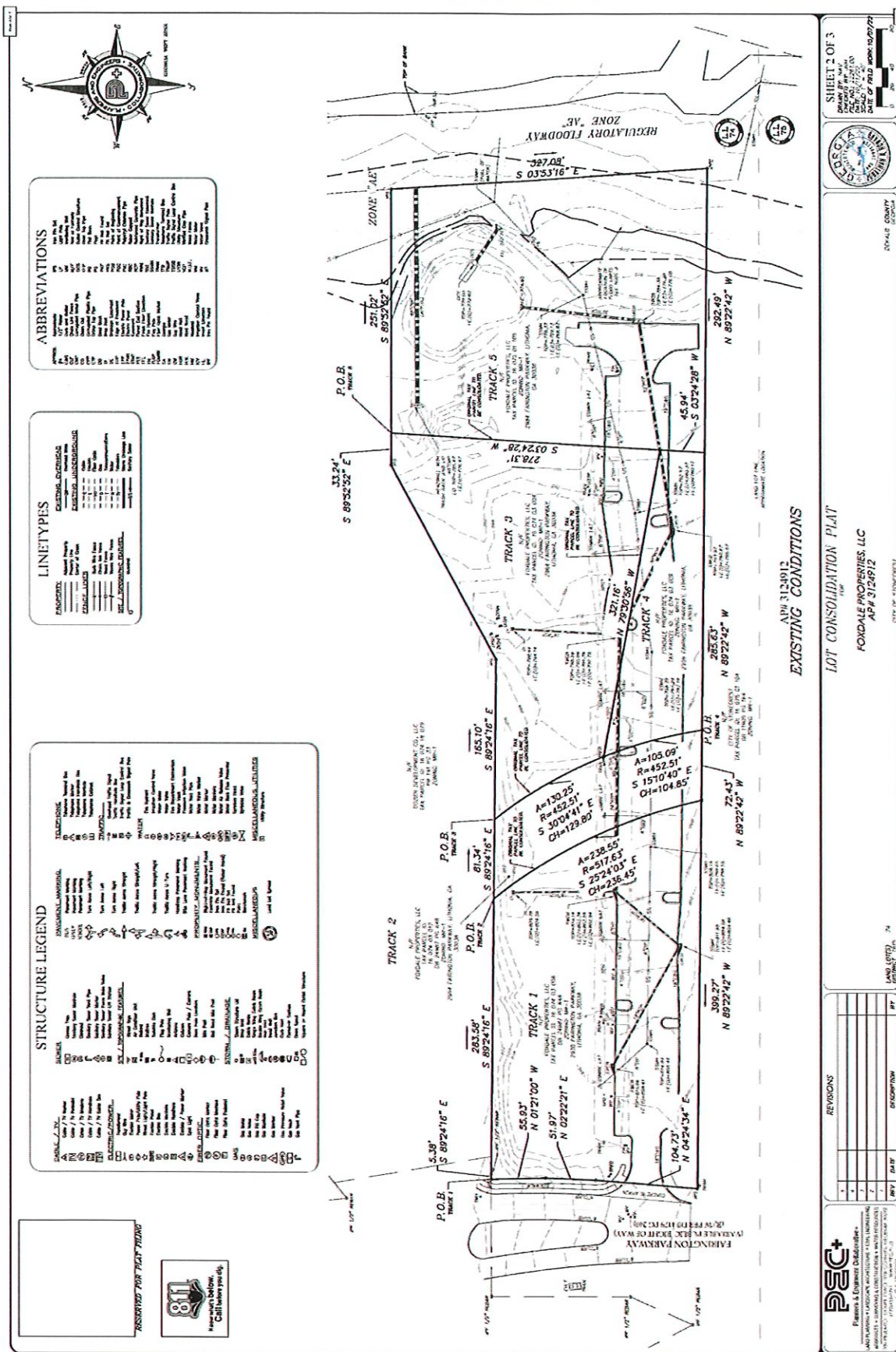
## Staff Report

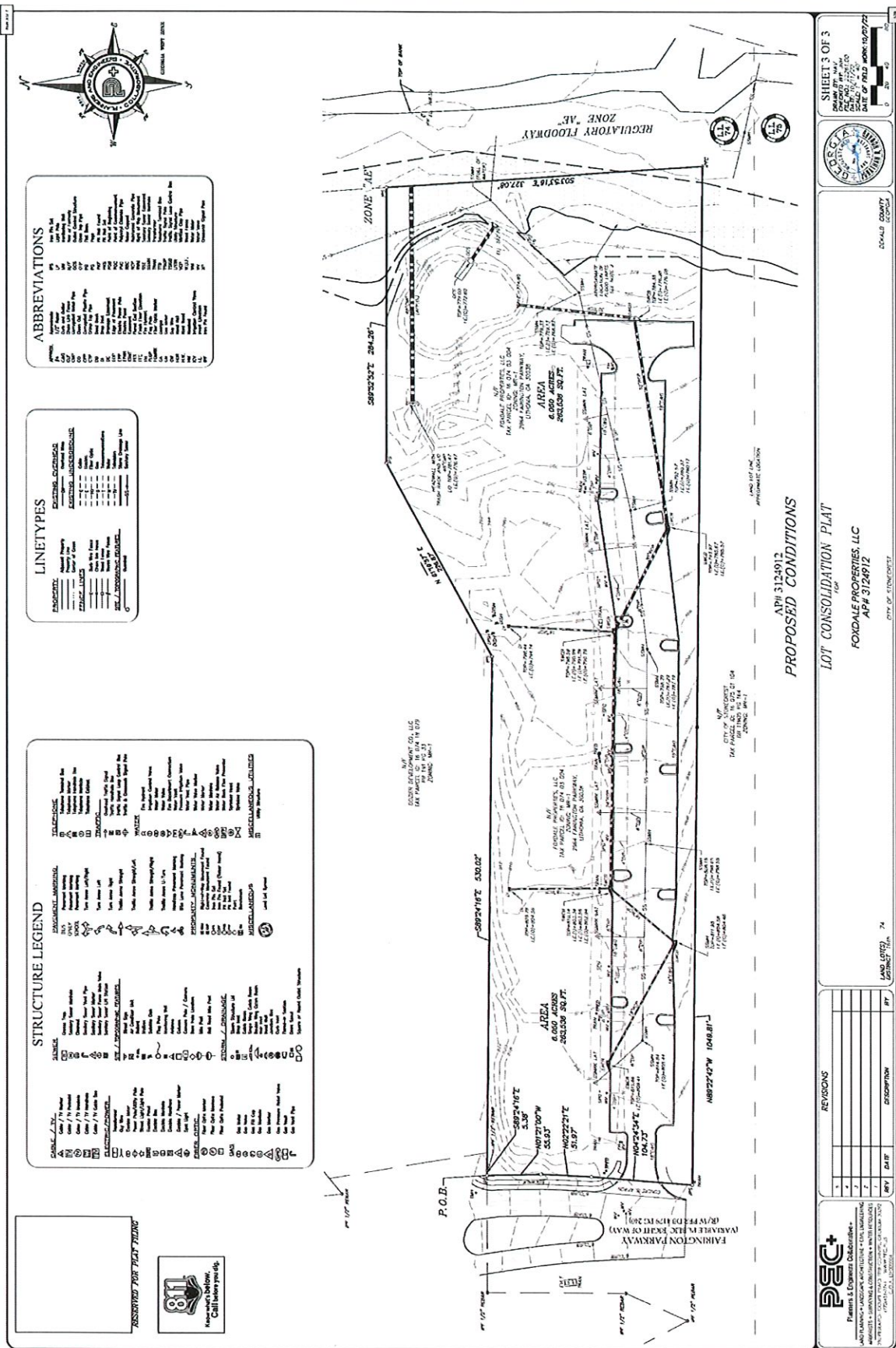
The council and Mayor voted to defer the consolidation plat approval on Monday, April 24, 2023. The reason for this deferral was to address the need for more information regarding the development status of the property associated with the plat consolidation. In the staff reviews of parcel consolidation, it has been determined through research of the staff that an egress and ingress problem confront this property. That is, the only point of access to the subject land is by the way of a City of Stonecrest owned parcel of land. This presents a problem for the viability of the property for its intended use, as an apartment development. It negatively affects the ability of this major lot consolidation to result in a final plat which can be certified and recorded according to the Stonecrest Land Department Code Chapter 14; Article III – Subdivision Division 2 – Plat Approval Procedure; Part B – Major – Plats. Sec14-86 Major Plats and Sec; 14-87.













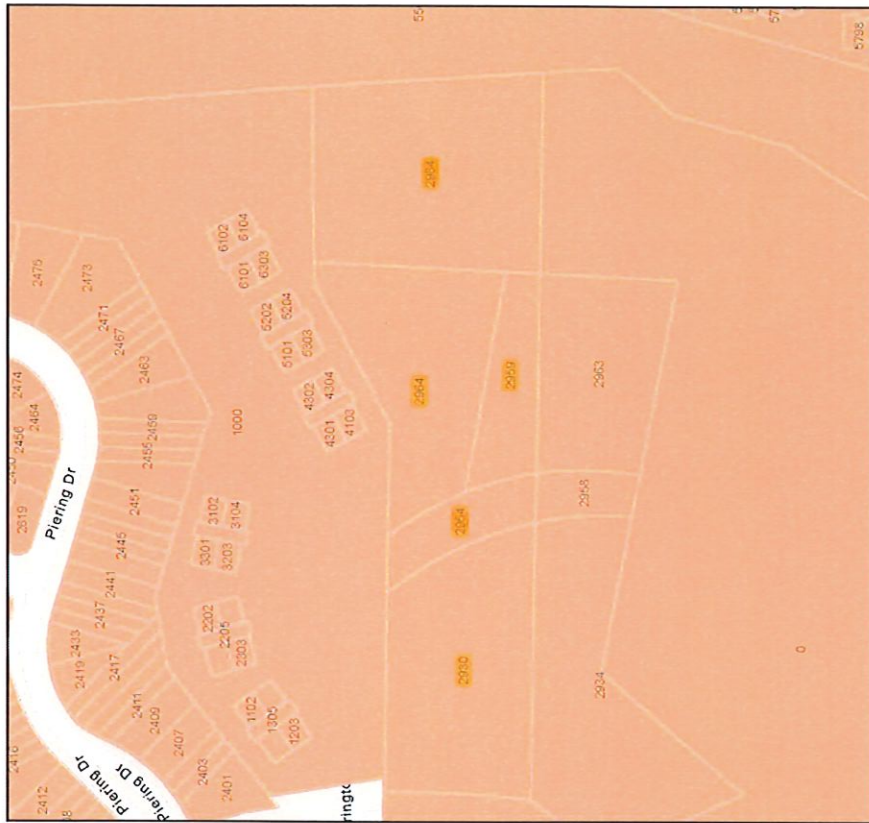
[illegible]

*Item III. f.*





Web AppBuilder for ArcGIS



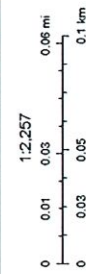
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City Limits

Stonecrest Parcels

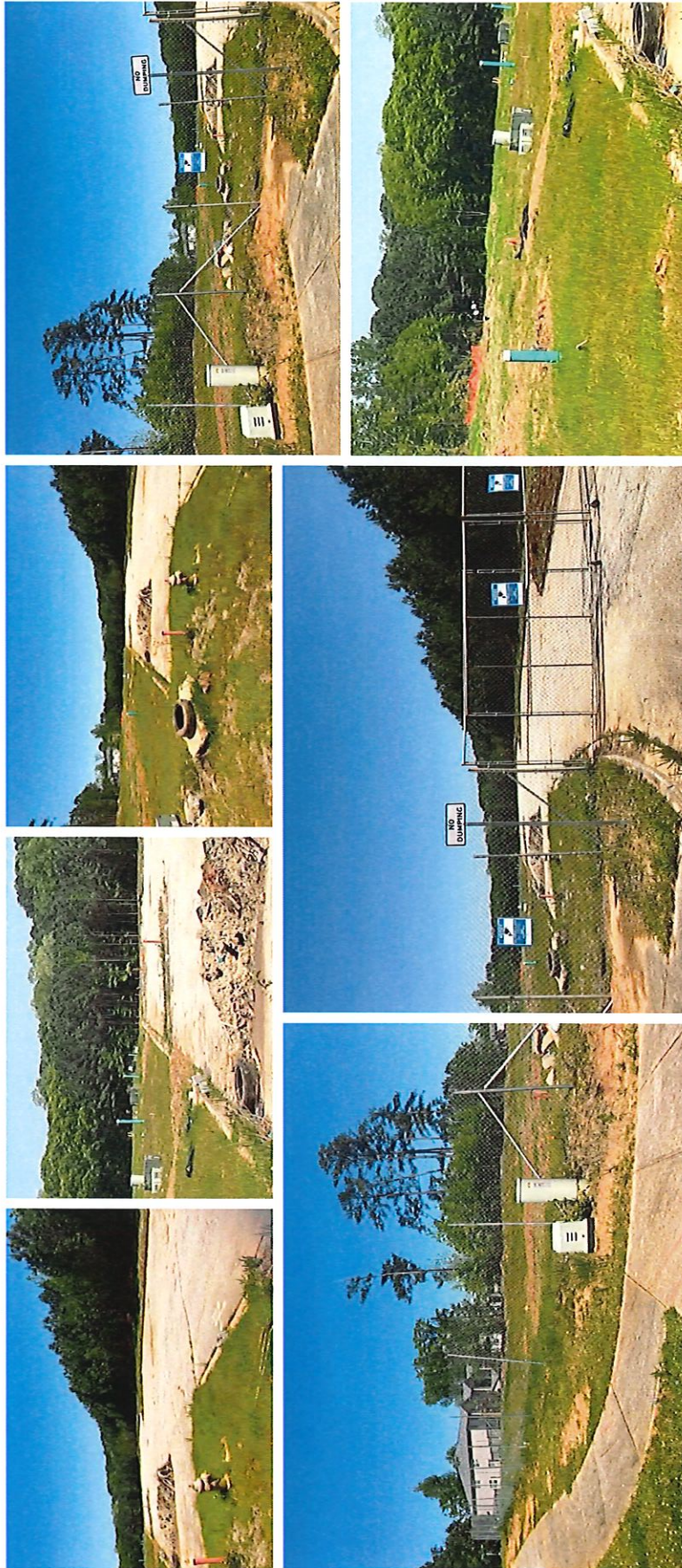
Zoning

MR-1 - Med Density Residential



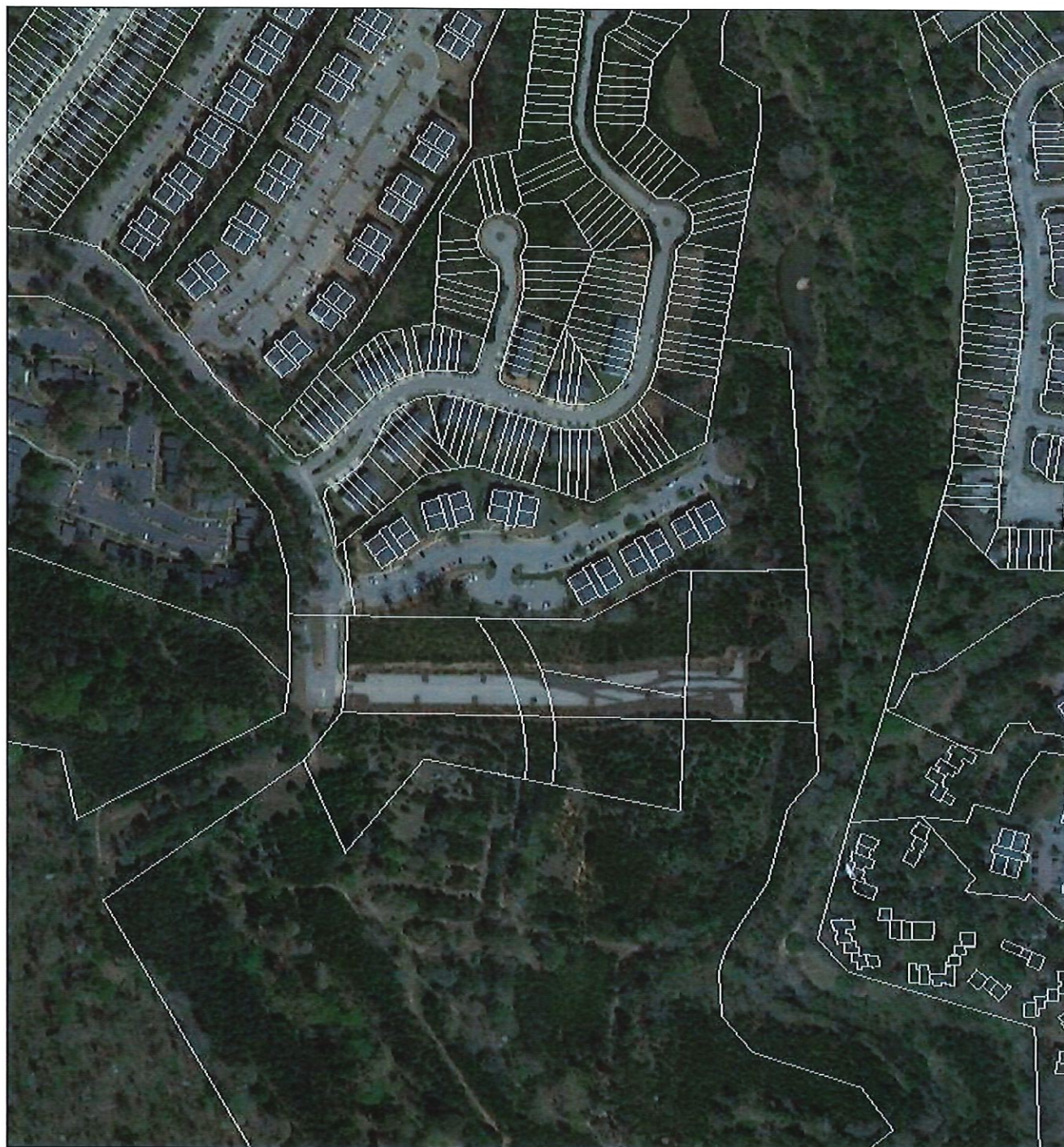
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## Web AppBuilder for ArcGIS



5/1/2023, 3:23:42 PM

 City Limits

 Stonecrest Parcels

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km



