



## **CITY OF STONECREST, GEORGIA**

### **CITY COUNCIL MEETING – AGENDA**

**3120 Stonecrest Blvd., Stonecrest, GA 30038**

**Thursday, June 26, 2025 at 6:00 PM**

*Mayor Jazzmin Cobble*

*Council Member Tara Graves - District 1      Council Member Terry Fye - 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. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE:** Alecia Washington, District 3 Councilmember
- V. APPROVAL OF THE AGENDA**
- VI. REVIEW AND APPROVAL OF MINUTES**
  - [a.](#) Approval of Meeting Minutes - City Council Planning Retreat, February 7-9, 2025
  - [b.](#) Approval of Meeting Minutes - Special Called Meeting, May 6, 2025
  - [c.](#) Approval of Meeting Minutes - City Council Meeting, May 29, 2025

#### **VII. PUBLIC COMMENTS**

*Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to [cityclerk@stonecrestga.gov](mailto:cityclerk@stonecrestga.gov) by 2 pm on the day of the meeting to be read by the City Clerk.*

*All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.*

## VIII. PUBLIC HEARINGS

*Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to [cityclerk@stonecrestga.gov](mailto:cityclerk@stonecrestga.gov) by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.*

*When it is your turn to speak, please state your name, address and relationship to the case..*

*There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.*

- a. Public Hearing** - Proposed Adoption of the 2025 Millage Rate - *Eric Hawkins, Revenue Manager*
- b. For Decision** - Resolution for the Adoption of the 2025 Millage Rate - *Eric Hawkins, Revenue Manager*
- c. Public Hearing** - TMOD 25-003 - Amendment to Chapter 27 - Zoning Ordinance - *Shawanna Qawiy, Division Director Community Development*
- d. For Decision** - Ordinance for TMOD 25-003 - Amendment to Chapter 27 - Zoning Ordinance - *Shawanna Qawiy, Division Director Community Development*

## IX. CONSENT AGENDA

## X. APPOINTMENTS & ANNOUNCEMENTS

## XI. REPORTS & PRESENTATIONS

## XII. OLD BUSINESS

- a. For Decision** - Ordinance for TMOD 25-001 Abandoned Shopping Carts, 2nd Read - *Shawanna Qawiy, Community Development Division Director*
- b. For Decision** - Ordinance for TMOD 25-002 Multifamily Rental Dwellings, 2nd Read - *Shawanna Qawiy, Community Development Division Director*
- c. For Decision** - Ordinance for Amendment to Chapter 2 - Administration, 2nd Read - *Mayor Jazzmin Cobble & City Manager Gia Scruggs*
- d. For Decision** - Ordinance for Amendment to Chapter 14 - Land Development, 2nd Read - *Mayor Jazzmin Cobble & City Manager Gia Scruggs*

## XIII. NEW BUSINESS

## XIV. CITY ATTORNEY COMMENTS

## XV. CITY MANAGER UPDATE

## XVI. MAYOR AND COUNCIL COMMENTS

## **XVII. EXECUTIVE SESSION**

*(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security*

## **XVIII. 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 OF STONECREST, GEORGIA

### CITY COUNCIL PLANNING RETREAT

8000 Capps Ferry Road, Douglasville, Georgia 30135

Friday, February 7, 2025, Saturday, February 8, 2025, and Sunday, February 9, 2025

*Mayor Jazzmin Cobble*

*Council Member Tara Graves - District 1    Council Member Terry Fye - District 2*  
*Council Member Alecia Washington - District 3    Mayor Pro Tem George Turner - District 4*  
*Council Member Tammy Grimes - District 5*

## MINUTES

The attendees were as follows:

Jazzmin Cobble, Mayor (day 1), Tara Graves, District 1, Terry Fye, District 2, Alecia Washington, District 3, George Turner, Mayor Pro Tem, District 4, Tammy Grimes, District 5 (zoom on day 2), Gia Scruggs, City Manager (day 1), Sonya Isom, City Clerk (day 1), Winston Denmark, City Attorney, Alicia Thompson, Attorney (day 1).

GMA Staff - Pam Helton, Director of Member Services, Freddie Broome, Director of Community and Workforce Culture, Terrell Jacobs, City Manager, Albany

### **Friday, February 7, 2025 @ 6:00pm**

The meeting began at 6:40pm with an introduction by Pam Helton, Freddie Broome and Terrell Jacobs of GMA. Attendees participated in a vision board team building exercise, working together and showing their vision of the city.

### **Saturday, February 8, 2025 @ 9:00am**

The meeting began at 9:00am with an ice breaker and a review of the agenda and pre-meeting questions.

- Proposed Departmental Restructuring Recommendation  
 There was a review of departmental restructuring recommendations including details, description, changes, proposed name changes, and why. It was confirmed that each department has its own budget, aligning the code with the budget. It was stated that Council members can make informed decisions, align policies with operational realities, and set realistic goals for the city.



- **FY25 City Services Goals by Department**  
Members spoke of aligning goals with the FY25 budget. There was a review of additional services per department. Citizens will be able to see all plans online, along with progress. Goals were set for the City Manager, City Departments, and citywide initiatives to ensure alignment, accountability, and strategic progress.

There was a review of the job description for the Public Safety Director. It has been reviewed and is ready to go out. There was a discussion on the Finance Department and expected dates for completion of the audits. Clarity was given on the Finance Director position, which shall be approved via the city charter.

- **Identify FY25 Tasks from Approved City Plans**  
There was discussion on action items from the approved work plans of Stonecrest. It was noted that there has been significant improvements made in each section of the various plans, showing the determination of Stonecrest officials to create a vibrant and sustainable community.

### **Sunday, February 9, 2025 @ 9:00am**

- **Identify FY25 District Specific Goals**  
There was a detailed review of district goals by each council member.
- **Discuss FY25 Legislative Goals (City and State)**  
It was noted that current legislative bills were being considered and reviewed and it was suggested that council participate in Friday Legislative Calls for an updates on legislative action.
- **Finalize FY25 Comprehensive City Goals List**  
Council reviewed the city's comprehensive list, which included a detailed review of projects, including plan recommendations.
- **Roles and Responsibilities (Legal)**  
There was a detailed discussion on the roles and responsibilities of council members.
- **Adjournment**  
The meeting adjourned at 12:30pm.



## CITY OF STONECREST, GEORGIA

### CITY COUNCIL SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Tuesday, May 06, 2025 at 5:30 PM

*Mayor Jazzmin Cobble*

*Council Member Tara Graves - District 1      Council Member Terry Fye - 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

The meeting was called to order at 5:37pm.

**II. ROLL CALL:** Sonya Isom, City Clerk

All members were present with Councilmember Grimes absent and excused.

**III. AGENDA ITEMS**

**a. For Decision - Resolution for Certification of the 2025 Estimated Rollback Rate - Lakeisha Gaines, Finance Director**

Presentation by Director Gaines giving the purpose of certifying the estimated rollback rate, which is a new requirement of HB 581 and HB 52. This rate will be printed on the annual notice of assessments, which are scheduled to be mailed out on May 30, 2025. Stonecrest does not plan to change its current millage rate, and the estimated rollback rate reflects that. This will in no way affect citizen taxes. Deputy City Manager Michael McCoy confirmed this is a new process as a result of HB 581 and HB 92.

Preamble of the resolution was read by the City Clerk.

**Motion** – made by Councilmember Terry Fye to approve the Resolution for Certification of the 2025 Estimated Rollback Rate. Second by Councilmember Tara Graves.

**Motion passed 4-0 with Councilmember Grimes excused.**

**b. For Decision -Panola Shoals Additional Services - Scour Analysis & Design - Hari Karikaran, City Engineer and Tanisha Boynton, Procurement Official**

Presentation by City Engineer Hari Karikaran discussing the design for Panola Shoals, and stating construction began and there was a major hurricane event, causing the need for another survey as the entire site had changed. There was also another major flooding. The design engineer would like an armor design and will need a scour analysis of that site that will confirm proper erosion control measures are taken. The proposal amount is \$75,000. The staff's recommendation for funding is SPLOST.

Preamble of the resolution was read by the City Clerk.

**Motion** – made by Councilmember Terry Fye to approve the Panola Shoals Additional Services Resolution. Second by Councilmember Tara Graves.

**Motion passed 4-0 with Councilmember Grimes excused.**

- c. **For Decision** - Panola Shoals Construction Project Additional Services - *Hari Karikaran, City Engineer and Tanisha Boynton, Procurement Official*

Presentation by Hari Karikaran stating this is a change order for the contractors and will be for three parts, survey, erosion control and an additional survey. The survey will run across nine cross sections and the engineers will give details. The total is \$42,291.30 and staff's recommendation for funding is SPLOST. The hope is for the project to be completed this year. Deputy City Manager McCoy confirmed two items have been completed; additional erosion control and a new survey.

Preamble of the resolution was read by the City Clerk.

**Motion** – made by Councilmember Terry Fye to approve the Panola Shoals Construction Project Additional Services Resolution. Second by Councilmember Tara Graves.

**Motion passed 4-0 with Councilmember Grimes excused.**

#### IV. EXECUTIVE SESSION

*(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security*

#### V. ADJOURNMENT

**Motion** – made by Councilmember Terry Fye to adjourn the Special Called Meeting. Second by Councilmember Tara Graves.

**Motion passed 4-0 with Councilmember Grimes excused.**

The meeting adjourned at 5:59pm.

#### Americans with Disabilities Act

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## CITY OF STONECREST, GEORGIA

### CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Thursday, May 29, 2025 at 6:00 PM

*Mayor Jazzmin Cobble*

*Council Member Tara Graves - District 1      Council Member Terry Fye - 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

The meeting was called to order at 6:09pm.

This meeting is normally scheduled for the 4<sup>th</sup> Monday of the month; however, this meeting date was adjusted due to the Memorial Day Holiday.

**II. ROLL CALL:** Sonya Isom, City Clerk

All members were present with Mayor Cobble arriving immediately after roll call.

**III. INVOCATION:** Senior Pastor Dr. Kerwin B. Lee, Berean Christian Church

**IV. PLEDGE OF ALLEGIANCE:** Alecia Washington, District 3 Councilmember

**V. APPROVAL OF THE AGENDA**

There was a request to add the following items under New Business:

Ordinance for TMOD 25-001 Abandoned Shopping Carts, 1<sup>st</sup> Read as item a.

Ordinance for TMOD 25-002 Multifamily Rental Dwellings, 1<sup>st</sup> Read as item b.

**Motion** – made by Councilmember Terry Fye to approve the agenda with the stated adjustments. Second by Councilmember Tammy Grimes.

**Motion passed unanimously.**

**VI. REVIEW AND APPROVAL OF MINUTES**

- a. Approval of Meeting Minutes - City Council Meeting, April 28, 2025

**Motion** – made by Councilmember Terry Fye to approve the minutes from the City Council Meeting, April 28, 2025. Second by Councilmember Tammy Grimes.

**Motion passed unanimously.**

## VII. PUBLIC COMMENTS

*Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to [cityclerk@stonecrestga.gov](mailto:cityclerk@stonecrestga.gov) by 2 pm on the day of the meeting to be read by the City Clerk.*

*All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.*

Dave Marcus – Concerns about the hiring of an internal auditor, audit results and reports, meeting with staff regarding the Botanical Garden, and council being proactive.

Jeremy Scott- Concerned about the homeless problem within the city, trash issues around the city economic development in the city and uniform requirements for all schools within the city limits.

Nicole Fyffe- Opposed to the Stonecrest Industrial Council, stated the city is in need of life saving services and believes residents should decide how their tax dollars are allocated.

Marie Colson- Opposed to the Stonecrest Industrial Council, stated residents should decide where their tax dollars should be used and concerned about there being no emergency services within the city limits.

Ann Marie Fyffe- Stated Stonecrest needs a properly funded police department and is also opposed to the Stonecrest Industrial Council.

Mercedes Fyffe- Opposed to the Stonecrest Industrial Council.

## VIII. PUBLIC HEARINGS

*Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to [cityclerk@stonecrestga.gov](mailto:cityclerk@stonecrestga.gov) by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.*

*When it is your turn to speak, please state your name, address and relationship to the case..*

*There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.*

- a. **Public Hearing** - Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way - *Shawanna Qawiy, Division Director Community Development*

Presentation by Director Qawiy stating the applicant is seeking a rezoning and map amendment of parcels from M-2 (Heavy Industrial) to M (Light Industrial) to develop a light-industrial/manufacturing use. There was a review of the background, public participation, future land use designation/map, zoning map, aerial/location map, submitted survey, rezoning plan, aerial photo, staff recommendations and stated conditions.

**Motion** – made by Councilmember Terry Fye to open public hearing for Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way. Second by Councilmember Tara Graves.

**Motion passed unanimously.**

Comments were made by the applicant, Mr. Mahoney, stating the request is for a small-scale distribution center similar to the Pepsi building. They agree to all staff conditions, stating condition seven is not necessary.

In Favor

None

In Opposition

None

**Motion** – made by Councilmember Tammy Grimes to close public hearing for Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way. Second by Councilmember Tara Graves.

**Motion passed unanimously.**

- b. **For Decision** - Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way - *Shawanna Qawiy, Division Director Community Development*

The applicant offered adding an eighth condition stating the site will be developed in accordance to the site shown. Mayor Cobble asked the council to approve with the eighth condition restricting the usage to distribution. The client was not willing to agree with the eighth condition as requested and suggested wording the condition different, stating the site plan would be developed as needed.

The preamble was read by the City Clerk.

**Motion** – made by Councilmember Tara Graves to table this item to allow time for the applicant to contact the client and come back to council after Reports and Presentations. Second by Councilmember Tammy Grimes.

**Motion passed unanimously.**

**Motion** – made by Councilmember Tara Graves to defer this item to the next city council meeting. Second by Councilmember Alecia Washington.

**Motion failed 3-2 with Councilmembers Terry Fye, Mayor Pro Tem George Turner & Tammy Grimes voting Nay.**

**Motion** – made by Councilmember Terry Fye to approve Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way with the seven conditions. Second by Mayor Pro Tem George Turner.

**Motion failed 3-2 with Councilmembers Tara Graves, Alecia Washington & Tammy Grimes voting Nay.**

**Motion** – made by Councilmember Tara Graves to approve Ordinance for RZ 24-005 1810 Coffee Road & 6821 Stonecrest Industrial Way with an 8<sup>th</sup> condition for distribution only. Second by Councilmember Alecia Washington.

**Motion passed 4-1 with Councilmember Terry Fye voting Nay.**

## **IX. CONSENT AGENDA**

## **X. APPOINTMENTS & ANNOUNCEMENTS**

## **XI. REPORTS & PRESENTATIONS**

### **a. Stonecrest Industrial Council - *Mayor Pro Tem George Turner***

Presentation by Mayor Pro Tem George Turner stating the intent to activate the Lithonia Industrial Boulevard CID as the Charter allows. It was noted that to move as such, some regulations must take place before activation. There was recognition of Mr. Bernard Knight, Mr. Gregory Wright, and the other members, noting this year the Stonecrest Industrial Council is celebrating 4 years and he would like to recognize their efforts. A proclamation was given by the city for their 4<sup>th</sup> anniversary and extraordinary leadership.

### **b. Municipal Court Clerk's Week - *Mayor Jazzmin Cobble***

Presentation by Mayor Cobble, presenting a proclamation to Court Administrator Mallory Q. Minor and Court Clerk Victoria Harris-Ferguson in recognition of the Municipal Court Clerks Week, June 9-13, 2025. The Municipal Court was acknowledged for the vital services they perform and their exemplary dedication to the communities.

## **XII. OLD BUSINESS**

## **XIII. NEW BUSINESS**

### **a. For Discussion – Ordinance for Abandoned Shopping Carts, 1<sup>st</sup> Read – *Terry Fye, District 2 Councilmember***

Presentation by Councilmember Terry Fye stating this is a procedural request to have the ordinance put into record as the 1<sup>st</sup> Read and to officially move the item through the process to be added to the city code. He stated the public has two opportunities to talk to the council. Mayor Pro Tem Turner confirmed all is in order.

Attorney Denmark stated the open meetings act does allow for items to be walked on the agenda, but we must articulate the reason it is necessary and proper. It was stated the council and public were properly notified and that there is urgency with matters relating to public safety.

The City Clerk gave the 1<sup>st</sup> read of the preamble.

**b. For Discussion** – Ordinance for TMOD 25-002 Multifamily Rental Dwellings – *Tammy Grimes, District 5 Councilmember*

There was a presentation by Councilmember Tammy Grimes stating this item was initially heard at the Work Session on May 12<sup>th</sup> and that there are a significant number of violations taking place in single and multi-family rental dwellings, stating it is time to take action to bring a level of pride and consistency. Some citizens are living in unsafe conditions. If citizens need to speak with Councilwoman Grimes, please reach out to her.

The City Clerk gave the 1<sup>st</sup> read of the preamble.

**XIV. CITY ATTORNEY COMMENTS**

None

**XV. CITY MANAGER UPDATE**

Gave a recap of accomplishments for the month, mentioning the Momentum Financial program that was offered to City of Stonecrest employees and held in conjunction the Georgia Municipal Association and the Benefits and Wellness Committee. She acknowledged the 16 employees that took part in the Momentum Program. Thank you to employees for staying engaged. There was a recap of new hires, comp plan initiatives, and the Stonecrest app. The City of Stonecrest is looking for the citizen who suggested the name for the city app: Hey Stonecrest. Please reach out to the City of Stonecrest to receive your token of appreciation. Thanks to the Parks staff for a successful pool party.

**XVI. MAYOR AND COUNCIL COMMENTS**

**District 1 – Tara Graves** – Congrats to the Class of 2025. On June 28<sup>th</sup>, she will host a town hall at City Hall along with a hazardous waste event to be held at both City Hall and Fairington Park between the hours of 1:30pm-3:30pm.

**District 2 – Terry Fye** – None

**District 3 – Alecia Washington** – Thanks to everyone who donated and supported the Spring Clean-Up event. Congratulations to the Class of 2025 graduates. Believe in yourself and your abilities to pursue your dreams. Don't forget to take God along the way.

**District 4 – Mayor Pro Tem George Turner** – Assembled at Salem Park to celebrate the life of Mr. Curtis Nelson, who passed away two years ago in this day, and was an advocate for cleaning up Stonecrest, who along with Mr. Darryl Andrews spent many days patrolling Salem, Panola, and Evans Mill areas. Members of the community celebrated him by having a trash pickup. Shout out all graduates. Congratulations Stonecrest as things are improving.

**District 5 – Tammy Grimes** – Today was the last day of school and she is standing behind graduates. On May 30<sup>th</sup>, from 5pm-9pm at City Hall, please join her for a CPR course. On June 5<sup>th</sup> from 6pm- 7:30pm she will host Talk with Tammy in the Council Chambers. On June 7<sup>th</sup>, at 8:30am, District 5 Clean-Up will take place. Open to going to any areas that are in need of a clean-up.



**Mayor Jazzmin Cobble** – Had the pleasure of being the keynote speaker for the Chapel Hill Middle School Graduation. On Saturday, June 7<sup>th</sup> before Councilwoman Grimes’ clean up event, Mayor will participate in the I am Father 5K Walk in Stonecrest. If you would like to register for a team, please visit: [www.iamafather5k.org](http://www.iamafather5k.org)

## XVII. EXECUTIVE SESSION

*(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security*

**Motion** – made by Councilmember Terry Fye to enter executive session for personnel, litigation, real estate and cyber security. Second by Councilmember Tara Graves.

**Motion passed unanimously.**

**Motion** – made by Councilmember Terry Fye to exit executive session and return to regular scheduled city council meeting. Second by Tammy Grimes.

**Motion passed unanimously.**

**Motion** – made by Councilmember Tammy Grimes to approve the executive session minutes. Second by Mayor Pro Tem George Turner.

**Motion passed unanimously.**

## XVIII. ADJOURNMENT

**Motion** – made by Councilmember Terry Fye to adjourn the meeting. Second by Councilmember Tammy Grimes.

**Motion passed unanimously.**

The meeting adjourned at 8:50pm.

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## CITY COUNCIL AGENDA ITEM

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**SUBJECT: Adoption of the 2025 Millage Rate**

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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:

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

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**Previously Heard Date(s):** 06/9/25 & [Click or tap to enter a date.](#)

**Current Work Session:** [Click or tap to enter a date.](#)

**Current Council Meeting:** Thursday, June 26, 2025

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**SUBMITTED BY:** Eric Hawkins, Revenue Manager

**PRESENTER:** Eric Hawkins, Revenue Manager

**PURPOSE:** Final Hearing. To adopt the 2025 Millage Rate

**FACTS:** Millage Rate must be approved by July 1, 2025.

**OPTIONS:** Choose an item. [Click or tap here to enter text.](#)

**RECOMMENDED ACTION:** Approve [Click or tap here to enter text.](#)

### ATTACHMENTS:

- (1) Attachment 1 - 2025 Millage Rate Presentation
- (2) Attachment 2 - Resolution
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)



## 2025 MILLAGE PROPOSAL

# TAXPAYER BILL OF RIGHTS

**SB 177 Act 431 | 1999 Session Effective Jan. 2000 | Objectives**

- Enhance individual property owner's rights when appealing an increase in property value
- Prevent tax increases resulting from increases to existing property values in a county due to inflation

## 2024 CITY DIGEST REQUIREMENTS

Advertisements O.C.G.A 48-5-32: If proposed millage exceeds rollback rate.

- Press Release
- Five Year History of Levy
- Advertising for Public Hearing
- Public Hearing

# MILLAGE & ROLLBACK RATE

O.C.G.A. SECTION 48-5-32.0

- A millage rate is the determining factor when calculating property taxes

(1 mill=\$1 in taxes per \$1,000 of assessed property value)

$$(0.001 \times \$1,000 = \$1.00)$$

- A rollback rate represents the millage rate that would produce the same total revenue on the current year's digest that last year's millage rate would have produced had no reassessments occurred

# NOTICE OF PROPERTY TAX INCREASE

## NOTICE OF PROPERTY TAX INCREASE

The **City of Stonecrest** has tentatively adopted a 2024 millage rate which will require an increase in property taxes by **1.53%** percent. All concerned citizens are invited to the public hearing on this tax increase to be held at **Stonecrest City Hall, 3120 Stonecrest Blvd, Stonecrest, GA on June 9, 2025 at 12:00 am and 6:00 pm.**

Times and places of additional public hearings on this tax increase are at Stonecrest City Hall, 3120 Stonecrest Blvd, Stonecrest, GA on **June 26, 2025 at 6:00 pm.**

This tentative increase will result in a millage rate of **1.257 mills**, an increase of **0.019 mills**. Without this this tentative tax increase, the millage rate will be no more than **1.238 mills**. The proposed tax increase for a home with a fair market value of **\$300,000** is approximately **\$2.37** and the proposed tax increase for a non-homestead property with a fair market value of **\$500,000** is approximately **\$3.33**.

## Overview

- Although the city is not proposing a millage increase, the state considers any millage above the rollback rate a property tax increase (0.019 mills/1.53%).
- There are 11,165 homestead properties with an average Fair Market Value of \$300K.
- There are 9,177 non-homestead properties with an average Fair Market Value of \$500K.
- Properties that have not increased in value; taxes will remain the same as 2024.



# COMPUTATION OF MILLAGE

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2025				
COUNTY:	002-DEKALB	TAXING JURISDICTION:	STONECREST	
ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW				
DESCRIPTION	2024 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2025 DIGEST
REAL	3,107,443,611	35,145,936	21,675,000	3,164,264,547
PERSONAL	291,698,926		12,493,053	304,191,979
MOTOR VEHICLES	5,202,880		(247,120)	4,955,760
MOBILE HOMES	0		0	0
TIMBER -100%	0		0	0
HEAVY DUTY EQUIP	98,156		(98,156)	0
GROSS DIGEST	3,404,443,573	35,145,936	33,822,777	3,473,412,286
EXEMPTIONS	1,175,274,465	0	14,041,534	1,189,315,999
NET DIGEST	2,229,169,108	35,145,936	19,781,243	2,284,096,287
	(PYD)	(RVA)	(NAG)	(CYD)
2024 MILLAGE RATE:	1.257	2025 MILLAGE RATE:		1.257
CALCULATION OF ROLLBACK RATE				
DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA	
2024 Net Digest	PYD	2,229,169,108		
Net Value Added-Reassessment of Existing Real Property	RVA	35,145,936		
Other Net Changes to Taxable Digest	NAG	19,781,243		
2025 Net Digest	CYD	2,284,096,287	(PYD+RVA+NAG)	
2024 Millage Rate	PYM	1.257	PYM	
Millage Equivalent of Reassessed Value Added	ME	0.019	(RVA/CYD) * PYM	
Rollback Millage Rate for 2025	RR - ROLLBACK RATE	1.238	PYM - ME	
CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES				
If the 2025 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)		Rollback Millage Rate	1.238	
		2025 Millage Rate	1.257	
		Percentage Tax Increase	1.53%	

- The City is proposing to keep the 2025 millage the same as the 2024 millage at 1.257.
- With keeping the millage rate the same, properties that had no increase in reassessed values will not see an increase in taxes.
- The 1.53% percentage tax increase only impacts homes who reassessments values were increased by the county.



# CURRENT TAX DIGEST AND 5 YEAR HISTORY OF LEVY

## CURRENT 2025 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

C I T Y  A r e a	CITY WIDE		2020	2021	2022	2023	2024	2025
	V A L U E	Real & Personal	1,971,004,816	2,176,939,296	2,691,678,081	3,233,311,070	3,399,142,537	3,468,456,526
		Motor Vehicles	8,637,740	6,639,480	5,952,430	5,729,240	5,202,880	4,955,760
		Mobile Homes						
		Timber -100%						
		Heavy Duty Equipment	41,730	132,745	2,240	185,387	98,156	0
		Gross Digest	1,979,684,286	2,183,711,521	2,697,632,751	3,239,225,697	3,404,443,573	3,473,412,286
		Less Exemptions	568,476,742	694,585,453	933,160,615	1,112,836,902	1,175,274,465	1,189,315,999
		<b>NET DIGEST VALUE</b>	1,411,207,544	1,489,126,068	1,764,472,136	2,126,388,795	2,229,169,108	2,284,096,287
	R A T E	Gross Maintenance & Operation Millage	1.4380	1.3360	1.2570	1.2570	1.2570	1.2570
		Less Rollback (Local Option Sales Tax)	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
		<b>NET M&amp;O MILLAGE RATE</b>	1.4380	1.3360	1.2570	1.2570	1.2570	1.2570
TAX	<b>TOTAL M&amp;O TAXES LEVIED</b>		\$2,029,316	\$1,989,472	\$2,217,941	\$2,672,871	\$2,802,066	\$2,871,109
	Net Tax \$ Increase			(\$39,844)	\$228,469	\$454,929	\$129,195	\$69,043
	Net Tax % Increase			-1.96%	11.48%	20.51%	4.83%	2.46%

- The city is seeking a proposed 2024 millage of 1.257 which projects \$2.8M in revenue.
- If adopted, the millage will remain the same for the last (4) consecutive years.
- As a result of the reassessment values, the 2025 Digest reflects a revenue increase of \$69,043 and a 2.46% increase from 2024..
- Tax revenues represents approximately 17% of the city's operating and maintenance budget.
- The budget allocation of these additional funds will be determined during the 2026 Budget Development.

# QUESTIONS



STATE OF GEORGIA  
DEKALB COUNTY  
CITY OF STONECREST

RESOLUTION 2025-\_\_\_\_-\_\_\_\_

**A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO FIX THE MILLAGE RATE FOR AD VALOREM PROPERTY TAXES OF THE CITY OF STONECREST FOR THE FISCAL YEAR 2025 AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Stonecrest, Georgia (“City”) is charged with operating and maintaining City Government pursuant to its Charter to provide for the assessment of ad valorem property taxes on all real and personal property subject to such taxation; and

**WHEREAS**, Chapter 5 of Title 48 of the Official Code of Georgia Annotated authorizes municipalities to impose ad valorem taxes on property; and

**WHEREAS**, the millage rate set by the City of Stonecrest for tax year 2024 was 1.257 mills; and

**WHEREAS**, the City Charter authorizes the governing authority to set millage rate up to 3.35 mills plus the amount of any rollback or reduction by DeKalb County of its millage rate imposed for ad valorem taxes on real property within the corporate limits of the City for services assumed by the City from DeKalb County by resolution; and

**WHEREAS**, the City has an agreement with the Tax Commissioner of DeKalb County, Georgia to serve as Tax Collector for the City for the collection of ad valorem taxes; and

**WHEREAS**, pursuant to O.C.G.A. 48-5-32 *et seq.* the City has given proper notice and held three (3) public hearings for the purpose of receiving relevant evidence, testimony, and public comment concerning the tentative millage rate for ad valorem property taxes; and

**WHEREAS**, the Mayor and City Council, after hearing and duly considering all such relevant evidence, testimony, and public comment, have determined that it is in the best interest of, and necessary to meet the expenses and obligations of, the City of Stonecrest to fix the millage rate as provided herein

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA** as follows:

**SECTION 1.** The ad valorem tax at the rate for the City of Stonecrest, Georgia for the 2025 fiscal year on property subject to ad valorem taxation by the City, is hereby fixed at 1.257 on each \$1,000.00 of taxable value or any part thereof of the value of all real and personal property, which under the laws of this state are subject to taxation within the corporate limits of the City for this purpose.

**SECTION 2.** In accordance with the approved contract with the Tax Commissioner of DeKalb County, the billing date and due date for ad valorem taxes for the City shall be the same as those for DeKalb County.

**SECTION 3.** The Tax Commissioner of DeKalb County or other designated tax collector is hereby authorized to provide services related to billing and collecting ad valorem taxes for the City of Stonecrest based on the millage rate set herein and to take, on behalf of the City, such actions authorized by the approved contract between the City and the Tax Commissioner and state law as may be necessary for these purposes.

**SECTION 4.** The City Manager is hereby authorized to execute the Millage Rate Rollback Calculation Worksheet based upon the millage rate hereby adopted by the Mayor and Council and submit same and any other necessary documents to the Tax Commissioner of DeKalb County.

**SECTION 5.** This resolution hereby repeals any and all conflicting resolutions.

**SECTION 6.** This resolution shall become effective immediately upon its adoption by the Mayor and City Council.

**SO RESOLVED,** this 26<sup>th</sup> day of June, 2025.

**CITY OF STONECREST, GEORGIA:**

**Attest:**

**Approved:**

\_\_\_\_\_  
Sonya Isom, City Clerk

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

**Approved as to Form:**

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



## CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for TMOD 25-003 - Amendment to Chapter 27 – Zoning 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):** Click or tap to enter a date. & Click or tap to enter a date.

**Current Work Session:** Click or tap to enter a date.

**Current Council Meeting:** Thursday, June 26, 2025

**SUBMITTED BY:** Shawanna Qawiy, Division Director Community Director

**PRESENTER:** Shawanna Qawiy, Division Director Community Director & City Attorney Alicia Thompson

**PURPOSE:** To provide an update on the party/parties responsible for Chapter 27 Zoning Ordinance

**FACTS:** There are numerous outdated references to responsible parties and departments and or divisions in Chapter 27 Zoning Ordinance and other chapters in the Stonecrest Zoning Code of Ordinances. The proposed amendments will allow the ordinances to be updated and adhered to based on the current organizational structures as adopted by the Mayor and City Council.

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

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

### ATTACHMENTS:

- (1) Attachment 1 – Redlined Ordinance
- (2) Attachment 2 – CPIM Summary Minutes



## **CITY COUNCIL AGENDA ITEM**

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- (3) Attachment 3 – Ordinance
- (4) Attachment 4 -
- (5) Attachment 5 - Click or tap here to enter text.

## Chapter 27 ZONING ORDINANCE

### ARTICLE 1. GENERAL REQUIREMENTS

#### DIVISION 1. GENERAL PROVISIONS

##### Sec. 1.1.1. Short title.

This chapter shall be known and shall be cited as the "Zoning Ordinance of Stonecrest, Georgia," and may be referred to herein as "zoning ordinance" or "this chapter."

(Ord. of 8-2-2017, § 1(1.1.1))

##### Sec. 1.1.2. Effective date.

This zoning ordinance was adopted on August 7, 2017, and became effective on August 7, 2017 (the "effective date"). As of the effective date, any pre-existing zoning ordinance shall be repealed.

(Ord. of 8-2-2017, § 1(1.1.2))

##### Sec. 1.1.3. Purpose and intent of code.

This chapter is enacted by the City of Stonecrest to promote the public health, safety, morals and general welfare of the residents of the City of Stonecrest, Georgia, and to implement the Comprehensive Plan. To these ends, this chapter is intended to achieve the following purposes:

- A. To guide and regulate the orderly growth, development, redevelopment and preservation of the City of Stonecrest in accordance with a well-considered comprehensive plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people;
- B. To protect the established character of both private and public property;
- C. To promote, in the public interest, the wise utilization of land;
- D. To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- E. To reduce or prevent congestion in the public streets;
- F. To facilitate the creation of a convenient, attractive and harmonious community;
- G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
- H. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- I. To protect against destruction of, or encroachment upon, historic areas;

- J. To protect against overcrowding of land, overcrowding of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health or property from fire, flood, or other danger;
- K. To encourage economic development activities that provide desirable employment and enlarge the tax base;
- L. To promote the preservation of the unique natural and physical resources of the City including forested areas, riverbeds, stream beds, and archaeological sites;
- M. To achieve compliance with all applicable state and federal regulations;
- N. To protect the public welfare by protecting approach slopes and other safety areas of licensed airports;
- O. To provide for and promote housing for all income groups and all citizens within the city;
- P. To implement the authority, powers and duties of the planning commission and the zoning board of appeals pursuant to state and local law, including, but not limited to, Ga. Const. art. IX, section II, ¶ IV;
- Q. To reduce or eliminate the secondary effects of sexually oriented businesses and other establishments that create such secondary effects while protecting legitimate constitutional rights of said establishments; and
- R. To provide for protection of the constitutional rights and obligations of all citizens within the city.

(Ord. of 8-2-2017, § 1(1.1.3))

#### **Sec. 1.1.4. Minimum requirements.**

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare, as set forth in section 1.1.3 hereof establishing the intent and purpose of this chapter. Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties or variances or waivers, as provided for in article 7 of this chapter.

(Ord. of 8-2-2017, § 1(1.1.4))

#### **Sec. 1.1.5. Authority.**

This chapter is enacted pursuant to the City of Stonecrest's authority to adopt plans and exercise the power of zoning granted by the Ga. Const. art. IX, section II, ¶ IV; City of Stonecrest's authority to enact regulations and exercise powers granted by the Ga. Const. art. IX, section II, ¶¶ I and III; authority granted by the State of Georgia, the City of Stonecrest's Charter, and the Official Code of Georgia Annotated (O.C.G.A.); the city's general police powers; and other powers and authority provided by federal, state and local laws applicable hereto.

(Ord. of 8-2-2017, § 1(1.1.5))

#### **Sec. 1.1.6. General applicability.**

All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning district or districts in which such buildings, structures, uses or land



are located. Existing buildings, structures and uses which comply with the regulations of this chapter shall be subject to all regulations of this chapter. Existing buildings, structures and uses which do not comply with the regulations of this chapter shall be authorized to continue subject to the provisions of article 8 of this chapter relating to nonconformities.

(Ord. of 8-2-2017, § 1(1.1.6))

#### **Sec. 1.1.7. Applicability to all property.**

The regulations in this chapter shall apply to all buildings, structures, land and uses within the incorporated area of Stonecrest, Georgia.

(Ord. of 8-2-2017, § 1(1.1.7))

#### **Sec. 1.1.8. General prohibition.**

No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this chapter. No use of any land, building, structure or property shall be permitted unless expressly and specifically authorized in the district or districts within which said use is located or by the supplemental regulations contained in article 4 of this chapter. When a use is not directly mentioned, the ~~director of planning~~ **Community Development Director or his/her designee** may determine that the proposed use is functionally similar to an allowed land use, as listed in Table 4.1, Use Regulations. The city council subsequently amend the applicable definitions in article 9 of this chapter, pursuant to the amendment procedures in article 7 of this chapter.

(Ord. of 8-2-2017, § 1(1.1.8))

#### **Sec. 1.1.9. Interpretation and authority to administer.**

The ~~director of planning~~ **Community Development Director or his/her designee** is designated to administer, interpret and enforce the provisions of this chapter for all proposed zoning, variances, comprehensive planning, and applications requiring zoning compliance, including, but not limited to, subdivisions, site plans, permits and zoning compliance certifications for licenses and occupational taxes. Unless otherwise specified, where this zoning ordinance refers to "the director" or "the planning director," it shall mean the ~~director of planning~~ **Community Development Director** or his **/her** designee.

(Ord. of 8-2-2017, § 1(1.1.9))

#### **Sec. 1.1.10. Components of zoning ordinance.**

This chapter and the official zoning map and official overlay district maps of the city on file and maintained by the ~~planning and zoning department~~ **division** shall together constitute the zoning ordinance.

(Ord. of 8-2-2017, § 1(1.1.10))

### Sec. 1.1.11. Transitional provisions.

- A. *New development.* Upon the effective date of this zoning ordinance or any subsequent amendment thereafter, any new building, structure or lot legally established shall be used, constructed or developed only in accordance with all applicable provisions of this zoning ordinance.
- B. *Existing development.* Any existing use, lot, building or other structure legally established prior to the effective date of this zoning ordinance that does not comply with all of the provisions of this zoning ordinance shall be subject to the provisions of article 8 of this chapter, nonconformities.
- C. *Transition to new zoning districts.* The zoning district names in effect under DeKalb County's prior version of its zoning ordinance are converted as shown in Table 1.1. To the extent other sections of the Code of the City of Stonecrest refer to such previous district names, unless and until such other sections are amended to reflect a new intent, any reference to such previous district names shall be deemed to refer to both the previous district name and the new district name to which it is converted in this zoning ordinance.
- D. *Pre-existing violations.* Any violation of the pre-existing zoning ordinance for which a citation has been issued as of the effective date of this zoning ordinance shall continue to be prosecuted subject to the penalties existing at the time of the issuance of the citation. If a violation of the pre-existing zoning ordinance existed as of the effective date of this zoning ordinance without a citation having been issued, and if the underlying activity that would have constituted a violation under the pre-existing zoning ordinance would not constitute a violation under this zoning ordinance, the violation shall be deemed to have been cured and no citation shall be issued.
- E. *Completed applications prior to effective date of this zoning ordinance.*
  - 1. Any proper and complete application (as defined in article 9 of this chapter) for a permit, license, rezoning, variance, or other approval that was submitted to and accepted by the DeKalb County planning department prior to the effective date of this zoning ordinance shall be evaluated by the City of Stonecrest based on the applicable law, rules, regulations and development standards in place at the time the application was submitted.
  - 2. Applicants who submitted an application prior to the effective date of this zoning ordinance but who wish to proceed under the standards of this zoning ordinance may withdraw their application and submit a new application in accordance with the standards in this zoning ordinance and pay any fee required under this zoning ordinance.
- F. *Prior approvals.*
  - 1. *Zoning conditions.*
    - a. Any project that was approved prior to the effective date of the ordinance from which this chapter is derived by DeKalb County may be developed according to the provisions of the previously approved development, program, or plan. Where conditions were attached to such prior approval and such conditions conflict with a standard or requirement of this zoning ordinance, the previously approved zoning condition shall apply. If a previously approved development, program, plan or condition does not address a particular development standard or requirement of this zoning ordinance, the new standard or requirement of this zoning ordinance shall apply.
    - b. If an owner or applicant desires to have the standards and requirements of this chapter to apply instead of standards and requirements established by previously approved zoning conditions, the owner or applicant must apply for a zoning condition amendment, as provided in article 7 of this chapter.

- c. Notwithstanding subsections A. and B. of this section, when no land disturbance or building permit has been issued on property located in an overlay district and on which a zoning condition was previously approved, and if the previously approved zoning condition is in conflict with the overlay district regulations, the overlay district regulations shall supersede the previously approved zoning condition.
2. *Development applications.* Projects with valid approvals or permits issued prior to the effective date of this zoning ordinance may be developed in accordance with the applicable law, rules, regulations and development standards in effect at the time of the approval or permit issuance, provided the permit or approval is valid and has not lapsed. Any reapplication for an expired approval or permit shall meet the standards of this zoning ordinance.
3. *Special land use permits.* Properties subject to a special land use permit that was approved prior to the effective date of this zoning ordinance shall continue to be subject to the terms of the special land use permit and previous zoning regulations even if the zoning district classification is amended to a new zoning district as part of the adoption of this zoning ordinance.

Table 1.1. Prior Zoning District Conversion to Established New Districts

Old District	New District by Type	District Name
<i>Residential Single-Family Districts</i>		
R-200	Residential Estate	RE
R-150		
R-30,000	Residential Large Lot	RLG
R-20,000		
R-100	Residential Medium Lot	R-100
R-85	Residential Medium Lot	R-85
R-75	Residential Medium Lot	R-75
R-60	Residential Small Lot	R-60
R-50		
MHP	Mobile Home Park	MHP
R-NVD	Neighborhood Conservation	RNC
<i>Medium and High Density Residential Districts</i>		
R-A5	Small Lot Residential Mix	RSM
R-A8		
R-CH		
R-CD		
R-DT		
TND		
RM-150		
RM-100	Medium Density Residential-1	MR-1
RM-85	Medium Density Residential-2	MR-2
RM-75		
New	High Density Residential-1	HR-1
RM-HD	High Density Residential-2	HR-2
New	High Density Residential-3	HR-3
<i>Mixed Use Districts</i>		
PC-1	Mixed Use Low Density	MU-1
New	Mixed Use Low-Medium Density	MU-2
New	Mixed Use Medium Density	MU-3

OCR	Mixed Use High Density	MU-4
PC-2, PC-3	Mixed Use Very High Density	MU-5
<i>Nonresidential Districts</i>		
NS	Neighborhood Shopping	NS
C-1	Local Commercial	C-1
C-2	General Commercial	C-2
O-I-T	Office-Institutional-Transitional	OIT
O-I	Office-Institutional	OI
O-D	Office-Distribution	OD
M	Light Industrial	M
M-2	Heavy Industrial	M-2

(Ord. of 8-2-2017, § 1(1.1.11))

#### **Sec. 1.1.12. Relation to and conflict with other provisions.**

The provisions of this chapter shall be interpreted and applied so as to constitute the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required by any federal or state law or other city ordinance, resolution or regulation, the provision of this chapter shall govern unless preempted by said federal or state law. Whenever any provision of any federal or state law or other city ordinance, resolution or regulation imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statute or other city ordinance or regulation shall apply. Whenever any conflict arises between this chapter and chapter 14 of the Code of the City of Stonecrest, the provisions of this zoning ordinance shall prevail, with the exception of chapter 14, article II, environmental control. Compliance with the provisions of this chapter shall not be interpreted to obviate the requirements for compliance with any and all other provisions of federal or state law, or the Code, including, but not limited to, the requirements for licenses or permits of any kind.

(Ord. of 8-2-2017, § 1(1.1.12))

#### **Sec. 1.1.13. Relation to private agreements.**

This chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship, provided that when the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this chapter shall govern. Private restrictive covenants to which the city is not a party shall not be regulated or enforced by the city under this chapter.

(Ord. of 8-2-2017, § 1(1.1.13))

#### **Sec. 1.1.14. Zoning maps.**

The city shall be divided into the zoning districts identified in articles 2 and 3 of this chapter, as depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

The official zoning maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city

council. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

Any subsequent amendments made by the city council to the official zoning maps after the initial date of adoption with this chapter shall be indicated on the digital version of the official zoning maps by the ~~director of planning~~ **Community Development Director or his/her designee**. The ~~director of the planning~~ **Community Development Director or his/her designee** shall continuously maintain the digital version of the official zoning maps so that they accurately show all amendments made thereto by the city council since the initial date of adoption, indicating the dates of said amendments. A copy of the updated and current version of the official zoning maps in digital format, showing all amendments thereto since the date of initial adoption, shall be held in the custody of the ~~director of planning~~ **Community Development Director or his/her designee**.

Any conditions of zoning related to any property, either existing at the time of initial adoption imposed by DeKalb County or subsequently imposed by the city council shall be on the official zoning maps, with reference to the applicable zoning case number. The clerk to the city council shall maintain custody of the minutes applicable to the referenced zoning case numbers adopted by the City of Stonecrest, which state the zoning conditions. The ~~community development~~ **director of planning** shall maintain the minutes applicable to zoning conditions adopted by DeKalb County prior to the incorporation of the City of Stonecrest. All conditions referenced in the minutes of DeKalb County on parcels previously imposed by DeKalb County are hereby adopted and incorporated as if they were adopted by the City of Stonecrest. If there is a conflict between the conditions on the official zoning map, or the condition is not depicted on the official zoning map, the conditions imposed in the text of the minutes incorporating the conditions shall apply. Uncertified copies of the official zoning maps may be provided to the public for informational purposes only.

Verifications of the current zoning status of property shall be the responsibility of the ~~director of planning~~ **Community Development Director or his/her designee**. To verify the current zoning status of a particular parcel, an individual may obtain a certified copy of the official zoning maps, or a portion thereof, from the ~~director of planning~~ **Community Development Director or his/her designee**. Certified copies of the official zoning maps, or portions thereof, shall be certified by the ~~director of planning~~ **Community Development Director or his/her designee** with his signature and the date on which the portions were certified. The ~~director of planning~~ **Community Development Director or his/her designee** shall be the final authority as to the current zoning status of all land, buildings and structures located in the city, except for:

- (1) Amendments enacted by the city council but not yet depicted on the official zoning maps; and
- (2) Uncertainties to be clarified by the city council as described in section 1.1.15.

Any inaccuracy on the official zoning maps that is reasonably determined to be a scrivener's error may be corrected by the ~~planning director~~ **Community Development Director or his/her designee**.

(Ord. of 8-2-2017, § 1(1.1.14))

### **Sec. 1.1.15. Interpretation of zoning maps.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of any easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line.

- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limit lines shall be construed as following such city limits.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway in the right-of-way.
- E. Boundaries indicated as approximately following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks, streams, rivers, or other predominantly linear bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in sections A. through E. of this section, shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the official zoning map by the ~~director of planning~~ **Community Development Director or his/her designee.**
- G. Where areas appear to be unclassified on the official zoning map, and classification cannot be established by the above rules, such areas shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
- H. Where territory is added to the jurisdictional area, it shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
- I. Where uncertainties continue to exist or further interpretation is required beyond that provided for in the above sections, the question shall be presented by the ~~director of planning~~ **Community Development Director or his/her designee.** to the city council to enact a clarifying resolution and said action shall be recorded on the official zoning map as is provided herein.

(Ord. of 8-2-2017, § 1(1.1.15))

#### **Sec. 1.1.16. Rules applicable to parcels split into two or more zoning districts.**

Where a parcel of land is split into two or more zoning districts, each such portion of said parcel may only be used for the purposes allowed within the zoning district to which each respective portion is classified. No principal or accessory use of land, buildings or structures, and no use or building or structure authorized by special administrative permit, special land use permit, or special exception, shall be authorized unless said use or building or structure is authorized or permitted within the applicable zoning district.

(Ord. of 8-2-2017, § 1(1.1.16))

#### **Sec. 1.1.17. Reserved.**

#### **Sec. 1.1.18. Transition period.**

In the event that chapter 27 references a code, section, plan, or ordinance of DeKalb County that has not been adopted, amended or developed by the City of Stonecrest, DeKalb County's current version of the code, section, plan or ordinance shall apply. In the event that chapter 27 refers to a department or official not yet created in the City of Stonecrest, the reference shall refer to the ~~planning director~~ **Community Development Director** or his/her designee.

(Ord. of 8-2-2017, § 1(1.1.18))

### Sec. 1.1.19. Annexation.

When the city is a qualified municipality pursuant to O.C.G.A. § 36-66-4(e), all annexed property shall be zoned without further action for the same use for which that property was zoned immediately prior to annexation. (Ord. of 8-2-2017, § 1(1.1.19))

## ***DIVISION 2. RELATIONSHIP TO COMPREHENSIVE PLAN<sup>1</sup>***

### Sec. 1.2.1. Relationship to comprehensive plan.

- a) *Role of the comprehensive plan.* The city comprehensive plan, consisting of its future development map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the city comprehensive plan, as may be amended from time to time, shall be maintained at the Planning & Zoning ~~Department~~ **Division** and be available for inspection by the public.
- b) *Relationship between the comprehensive plan and zoning.* The city comprehensive plan does not change the existing zoning districts in the city, and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official city zoning map and text of the zoning ordinance.
- c) *Consistency with comprehensive plan character areas.* Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the City Council, following the procedures in this Zoning Ordinance.
- d) *Amendments to the comprehensive plan.* The comprehensive plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for amendment exceptions shall be subject to same approval process as any regular scheduled comprehensive plan update, being subject to approval by City Council after receiving recommendations from the Planning Commission and following all the required elements of public involvement process, including public hearings.

(Ord. No. 2021-06-03, § 1(Exh. A § A), 8-23-2021)

## **ARTICLE 2. DISTRICT REGULATIONS**

<sup>1</sup>Ord. No. 2021-06-03, § 1(Exh. A, § A), adopted August 23, 2021, amended **Division** 2 in its entirety to read as herein set out. Former **Division** 2, §§ 1.2.1—1.2.4, pertained to similar subject matter, and derived from Ord. of August 2, 2017, § 1(1.2.1)—(1.2.4).

- CODE OF ORDINANCES  
Chapter 27 - **ZONING** ORDINANCE  
ARTICLE 2. - DISTRICT REGULATIONS  
**DIVISION** 1. ESTABLISHMENT OF DISTRICTS

## DIVISION 1. ESTABLISHMENT OF DISTRICTS

### Sec. 2.1.1. Districts established.

City of Stonecrest establishes the following zoning districts listed in Table 2.1, which apply to property as illustrated on the official zoning map. See article 3 of this chapter for overlay districts.

Table 2.1. Zoning Districts Established

District Name	District Type
<i>Residential Single-Family Districts</i>	
RE	Residential Estate
RLG	Residential Large Lot
R-100	Residential Medium Lot-100
R-85	Residential Medium Lot-85
R-75	Residential Medium Lot-75
R-60	Residential Small Lot
MHP	Mobile Home Park
RNC	Neighborhood Conservation
<i>Medium and High Density Residential Districts</i>	
RSM	Small Lot Residential Mix
MR-1	Medium Density Residential-1
MR-2	Medium Density Residential-2
HR-1	High Density Residential-1
HR-2	High Density Residential-2
HR-3	High Density Residential-3
<i>Mixed Use Districts</i>	
MU-1	Mixed-Use Low Density
MU-2	Mixed-Use Low-Medium Density
MU-3	Mixed-Use Medium Density
MU-4	Mixed-Use High Density
MU-5	Mixed-Use Very High Density
<i>Nonresidential Districts</i>	
NS	Neighborhood Shopping
C-1	Local Commercial
C-2	General Commercial
OD	Office-Distribution
OI	Office-Institutional
OIT	Office-Institutional-Transitional
M	Light Industrial
M-2	Heavy Industrial

(Ord. of 8-2-2017, § 1(2.1.1))



### Sec. 2.1.2. Prior district classifications and conversion.

The zoning district classifications established prior to the effective date of this zoning ordinance in DeKalb County that are no longer active shall be treated as classifications as shown in article 1 of this chapter, Table 1.1.

(Ord. of 8-2-2017, § 1(2.1.2))

### Sec. 2.1.3. Additional regulations.

Additional regulations for a variety of development and building types can be found in article 4 of this chapter (use regulations), article 5 of this chapter (site development regulations), and article 6 of this chapter (parking). Street type classifications for front setback requirements are set forth in chapter 14.

(Ord. of 8-2-2017, § 1(2.1.3))

### Sec. 2.1.4. Reserved.

Ord. No. 2021-06-03, § 1(Exh. A § B), adopted August 23, 2021, repealed § 2.1.4, which pertained to appropriate zoning districts for character area designations and derived from Ord. of August 2, § 1(2.1.4).

### Sec. 2.1.5. Permitted uses.

Permitted principal and accessory uses by zoning district, and whether a use is allowed by right or only with special approval, are set forth in Table 4.1. Table 4.1 also provides additional notation where supplemental regulations, also found in article 4 of this chapter, may apply.

## *DIVISION 2. RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS*

### Sec. 2.2.1. Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, Residential Zoning Districts Dimensional Requirements. Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4.

Table 2.2. Residential Zoning Districts Dimensional Requirements

<i>Residential Single-Family Zoning Districts</i>								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily								
Element	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC*
<i>Lot Dimensions (minimum)</i>								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000/3,500 cottage	Parks: 20 acres Lots: 4,000	*

Lot width, street frontage (feet)	150	65	100	85	75	60	Parks: 400 Lots: 50	*
Lot width at building line (feet)	150	65	100	85	75	60	N/A	*
Lot width fronting cul-de-sac (feet)	35	35	35	35	35	35	N/A	*
Lot coverage (maximum percent)	25	30	35	35	35	35	N/A	*
<i>Building Setbacks (minimum) Subject to article 5 of this chapter, Averaging Requirements</i>								
Front thoroughfares (feet)	60	70	50	50	45	30	Parks: 250 Lots: 10	*
Front arterials (feet)	50	60	40	40	35	20	150	*
Front collector and all other streets (feet)	45	55	35	35	30	If RC/TC/NC: 15 If SUB: 20	100	*
Front with alley access (feet)	N/A	25	25	25	25	10	Parks: N/A Lots: 10	*
Side - interior building setback (feet)	20	10	10	8.5	7.5	7.5	Parks: 50 Lots: 7.5	*
Side - corner lot on public street (feet)**	Same as district indicates front setback, following street type along the corner side property line							
Rear (feet)	40	40	40	40	40	30	Parks: 40**** Lots: 7.5****	*
<i>Unit Size, heated living area (minimum)</i>								
Unit size (square feet)	2,000	2,000	2,000	1,800	1,600	1,200 If cottage: 800—1,200	N/A	*
<i>Height (maximum)</i>								
Main building (feet) (Residential)	35	35	35	35	35	35	35	*

infill overlay = 28 feet)								
Accessory building (feet)	24	24	24	24	24	24	N/A	*
<i>Open Space (minimum percent)</i>								
Open space	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	*

\* See division 10 of this article.

\*\* See article 5 of this chapter, corner lots section for reduction eligibility.

\*\*\* Open space requirement shall apply to new subdivisions if project is > five acres or > 36 units (chapter 14).

\*\*\*\* 100 feet if adjacent to property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(2.1.5); Ord. No. 2021-06-03, § 1(Exh. A, § C), 8-23-2021)

### ***DIVISION 3. RE (RESIDENTIAL ESTATE) DISTRICT***

#### **Sec. 2.3.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RE (Residential Estate) District is as follows:

- A. To preserve rural and estate residential character and to provide for very low density rural For sale residential communities.
- B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one acre;
- C. To provide protections for existing development as new subdivisions are created;
- D. To ensure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens;
- F. To provide areas for agricultural uses as appropriate;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.3.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.3.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Dairy; see section 4.2.
  - b. Keeping of livestock; see section 4.2.
  - c. Keeping of poultry/pigeons; see section 4.2.
  - d. Livestock sales pavilion; see section 4.2.
  - e. Riding academies or stables; see section 4.2.
  - f. Sawmill, temporary or portable; see section 4.2.
  - g. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Dwelling, single-family (detached).
3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Commercial.
  - a. Kennel, noncommercial.
5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Party house.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.

- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Special events facility.
    - f. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Animal shelter/rescue center; see section 4.2.
    - c. Child day care facility, up to 6; see section 4.2.
    - d. Kennel, breeding; see section 4.2.
    - e. Kennel, commercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.

- a. Accessory uses and structures.
  - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
- 2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.3.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.3.3. Dimensional requirements.**

Dimensional requirements for the RE (Residential Estate) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.3.3))

### **Sec. 2.3.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.3.4))

## ***DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT***

### **Sec. 2.4.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RLG (Residential Large Lot) District is as follows:

- A. To provide for the development of large lot dwelling, Single Family "For Sale" residential subdivisions and For Sale Communities.
- B. To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of 20,000 square feet, but may have narrow lot widths;
- C. To provide for compatible infill development in neighborhoods;
- D. To provide protections for existing development as new subdivisions are created;
- E. To respond to existing site development conditions and patterns;
- F. To ensure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- G. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

H. To implement the future development map of the city's comprehensive plan.  
(Ord. of 8-2-2017, § 1(2.4.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.4.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Party house.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.

- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses and structures.



- b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
- 2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.4.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.4.3. Dimensional requirements.**

Dimensional requirements for the R-LG District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.4.3))

### **Sec. 2.4.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.4.4))

## ***DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT***

### **Sec. 2.5.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.5.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.

- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.5.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.5.3. Dimensional requirements.**

Dimensional requirements for the R-100 (Residential Medium Lot-100) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.5.3))

### **Sec. 2.5.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.5.4))

## ***DIVISION 6. R-85 (RESIDENTIAL MEDIUM LOT-85) DISTRICT***

### **Sec. 2.6.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-85 (Residential Medium Lot-85) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 12,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-85 (Residential Medium Lot-85) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.6.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.6.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.

- a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.6.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.6.3. Dimensional requirements.**

Dimensional requirements for the R-85 (Residential Medium Lot-85) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.6.3))

### **Sec. 2.6.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.6.4))

## ***DIVISION 7. R-75 (RESIDENTIAL MEDIUM LOT-75) DISTRICT***

### **Sec. 2.7.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-75 (Residential Medium Lot-75) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 10,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-75 (Residential Medium Lot-75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.7.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.7.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Keeping of livestock; see section 4.2.
  - b. Keeping of poultry/pigeons; see section 4.2.
  - c. Riding academies or stables; see section 4.2.
  - d. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Dwelling, single-family (detached).
3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.



- a. Home occupation, with customer contact; see section 4.2.
  - b. Child care home, 5 or less; see section 4.2.
  - c. Convents or monasteries; see section 4.2.
  - d. Personal care home, 6 or less; see section 4.2.
  - e. Senior housing; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Places of worship; see section 4.2.
  - c. Recreation club; see section 4.2.
  - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - e. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Child day care facility, up to 6; see section 4.2.
  - c. Kennel, noncommercial.
- 4. Communication—Utility.
  - a. Amateur radio service or antenna; see section 4.2.
- 5. Wireless Telecommunication.
  - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.7.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.7.3. Dimensional requirements.**

Dimensional requirements for the R-75 (Residential Medium Lot-75) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.7.3))

#### **Sec. 2.7.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.7.4))

### ***DIVISION 8. R-60 (RESIDENTIAL SMALL LOT-60) DISTRICT***

#### **Sec. 2.8.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-60 (Residential Small Lot-60) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 6,000 square feet or 3,500 square feet if developed for cottage houses;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design within new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-60 (Residential Small Lot-60) District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.8.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.8.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, cottage home.
    - b. Dwelling, single-family (detached).

3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.

2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Places of worship; see section 4.2.
  - c. Recreation club; see section 4.2.
  - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - e. Swimming pools, commercial; see section 4.2.
3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Child day care facility, up to 6; see section 4.2.
4. Communication—Utility.
  - a. Amateur radio service or antenna; see section 4.2
5. Wireless Telecommunication.
  - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.8.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.8.3. Dimensional requirements.**

Dimensional requirements for the R-60 (Residential Small Lot-60) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.8.3))

### **Sec. 2.8.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.8.4))

- CODE OF ORDINANCES  
 Chapter 27 - ZONING ORDINANCE  
 ARTICLE 2. - DISTRICT REGULATIONS  
 DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT

## *DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT*

### **Sec. 2.9.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MHP (Mobile Home Park) District is as follows:

- A. To provide For Sale or For Rent residential locations within the city for the location of mobile home parks.
- B. To provide for the development of accessory uses that are necessary in order to provide appropriate recreational and educational opportunities to residents.

(Ord. of 8-2-2017, § 1(2.9.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.9.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, mobile home; see section 4.2.
    - b. Dwelling, single-family (detached).
    - c. Mobile home park.
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Child day care center (kindergarten), 7 or more.

5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary produce stand; see section 4.2.
    - d. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Senior housing; see section 4.2.
  2. Institutional/Public.
    - a. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - b. Swimming pools, commercial; see section 4.2.
  3. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
  2. Institutional/Public.
    - a. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.

- a. Fitness center.

(Ord. of 8-2-2017, § 1(2.9.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.9.3. Dimensional requirements.**

Dimensional requirements for the MHP (Mobile Home Park) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.9.3))

### **Sec. 2.9.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.9.4))

### **Sec. 2.9.5. Transitional buffer zone requirement.**

Where a lot in the MHP (Mobile Home Park) District is used for attached single-family dwellings and adjoins the boundary of any property in a Residential Single-Family District, except property on which is located a single-family attached development, a transitional buffer zone not less than 50 feet in width shall be provided and maintained in a natural state. In addition, a screening fence not less than six feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining single-family residential property.

(Ord. of 8-2-2017, § 1(2.9.5))

## ***DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT***

### **Sec. 2.10.1. Scope of provisions.**

The provisions contained within this division are the regulations of the RNC (Residential Neighborhood Conservation) "For Sale" District. This division establishes the procedures and the criteria that the City Council shall utilize in making a decision on any application to amend the official zoning map so as to change any parcel of land to the RNC (Residential Neighborhood Conservation) District.

(Ord. of 8-2-2017, § 1(2.10.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.10.2. Statement of purpose and intent.**

The purpose and intent of the City Council in the RNC (Residential Neighborhood Conservation) District is as follows:

- A. To encourage creative residential planning and development within the city that will preserve unique environmental features and be consistent with the comprehensive land use plan and preserves existing natural trees and vegetation;

- B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;
- C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;
- D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;
- F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;
- G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and
- H. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.10.2); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.10.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, cottage home.
    - b. Dwelling, single-family (detached).
    - c. Dwelling; three family; see section 4.2.
    - d. Dwelling, townhouse; see section 4.2.
    - e. Dwelling, two-family; see section 4.2.
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.



4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales or events, seasonal; see section 4.2.
    - d. Temporary produce stand; see section 4.2.
    - e. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.
  2. Institutional/Public.
    - a. Places of worship; see section 4.2.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - d. Swimming pools, commercial; see section 4.2.

3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Child day care facility, up to 6; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.10.3); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.10.4. Scaled site plan.**

In addition to the information and materials required as part of any application to amend the official zoning map pursuant to this chapter, each applicant for RNC (Residential Neighborhood Conservation) District classification shall submit a scaled and dimensioned site plan, which, where applicable, shall contain the following information:

- A. Size of each lot proposed to be developed within the district;
- B. Housing types (e.g., single-family detached, single-family detached condominium);
- C. Amount of land in greenspace areas to be held in joint ownership, common ownership, or control in perpetuity;
- D. Connections between greenspaces within the project and to greenspace areas on adjacent properties where possible;
- E. Building envelopes for fee simple lots;
- F. Building and driveway footprint for each single-family detached condominium;
- G. Maximum lot coverage;
- H. All streams and water bodies, including state and city stream buffer limits;
- I. Vehicular and pedestrian circulation and connections within the project and to amenities and features on adjacent property;
- J. Any aboveground detention areas serving as an amenity feature;
- K. Underground detention facilities;
- L. Flood hazard areas, wetlands, springheads, and all environmentally sensitive areas, if any;
- M. Access to public sewer;
- N. All easements;

- O. Right-of-way intended to be dedicated;
- P. Amount of land area and nonbuildable areas as identified in subsection B. of this section; and
- Q. Tree survey in compliance with chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.4))

### **Sec. 2.10.5. Calculation and design of greenspace.**

The following standards shall govern the calculation and design of greenspace in the RNC (Residential Neighborhood Conservation) District:

- A. The allotted greenspace shall comprise at least 30 percent of the total land area excluding the undevelopable areas as identified in subsection B of this section. No part of any single-family detached residential lot, private street, private drive, or street right-of-way, front yard setback, nor any area utilized for side-to-side building separation except when used for a path or sidewalk connection to greenspace, shall count towards greenspace.
- B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:
  - 1. Streams and stream buffers;
  - 2. Wetlands;
  - 3. Rock outcroppings;
  - 4. Slopes steeper than 1:2 slope;
  - 5. Sites of archaeological significance;
  - 6. Floodplains; or
  - 7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.10.4.
- C. For properties ten acres or less, at least 50 percent of the allotted greenspace shall be in an area or areas that each measure a minimum 200 square feet. For properties greater than ten acres, at least 50 percent of the allotted greenspace shall be contiguous and shall be a minimum width of 50 feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.
- D. Greenspace may consist of and be designed for the following uses only:
  - 1. Natural undisturbed areas;
  - 2. Active recreation areas;
  - 3. Community gathering places;
  - 4. Trails and greenways;
  - 5. Bikeways and paths;
  - 6. Asphalt or concrete bikeways and paths with a maximum width of eight feet;
  - 7. Landscaped stormwater management facilities, which are constructed as part of an on-site stormwater mitigation site design feature and which are graded such that no safety fencing is required;

- 8. Mature wooded areas; or
- 9. Specimen trees, as defined in chapter 14 of this Code.
- E. No impervious surface, except:
  - (1) Areas used for active recreation;
  - (2) Historic buildings or historic sites; and
  - (3) Asphalt or concrete bike paths and paths with a maximum width of eight feet, may be considered in the greenspace calculation.

Paths that require grading must not damage critical root zones of specimen trees.
- F. Preserved historic buildings or sites may be included in greenspace if intended to be for the common use and benefit of all residents of the subdivision.
- G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian paths and/or sidewalks, which shall be a minimum width of five feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.
- H. Greenspace shall connect with other greenspace areas and trails on adjacent property where possible.
- I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains 100 or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between 100 and 200 units, inclusive, shall include an active recreation area of at least one acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than 200 units, shall include a minimum of either a single active recreation area of at least two acres in size or two active recreation areas that are each at least one acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

(Ord. of 8-2-2017, § 1(2.10.5))

#### **Sec. 2.10.6. Development standards and permitted uses.**

- A. Property within an RNC (Residential Neighborhood Conservation) District shall have a minimum of seven acres.
- B. Specimen trees located outside of the buildable area of a lot shall be preserved subject to the review of the city arborist.
- C. Active recreation areas, greenspace, stormwater management facilities, trails, bikeways, and paths, as approved, shall be installed prior to the recording of the conservation subdivision final plat.
- D. There shall be no impervious surfaces within the 75-foot stream buffer, except as provided for above in sections 2.10.5.D.4 through 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.6))

**Sec. 2.10.7. Minimum lot width; minimum lot size; building setback; street width; and private drive width requirements.**

- A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  2. Minimum lot width: At least 60 feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.
  3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.
  4. Minimum building setback adjacent to public or private streets:
    - a. From thoroughfares: 30 feet.
    - b. From arterials: 30 feet.
    - c. From collector streets: 30 feet.
    - d. From local streets: 20 feet.
  5. Minimum interior lot side building setback: 7½ (7.5) feet.
  6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
  7. Minimum rear building setback: 20 feet.
- B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.
  3. Minimum distance between building structures: 15 feet.
  4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
  5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.
  6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.

7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.

C. Reserved.

(Ord. of 8-2-2017, § 1(2.10.7); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.10.8. Maximum height of buildings.**

No building in the RNC (Residential Neighborhood Conservation) District shall exceed a height of 35 feet.

(Ord. of 8-2-2017, § 1(2.10.8))

### **Sec. 2.10.9. Maximum lot coverage.**

The lot coverage of each lot used for a single-family detached dwelling shall not exceed 50 percent.

(Ord. of 8-2-2017, § 1(2.10.9))

### **Sec. 2.10.10. Ownership, control, and maintenance of required greenspace.**

- A. *Unified control of parcel.* Any applicant for rezoning or for issuance of a land disturbance permit for property within an RNC (Residential Neighborhood Conservation) District shall be required to provide evidence of a legal mechanism for unified control of the entire parcel to be developed for review and approval by the city attorney prior to the issuance of any land disturbance or building permit. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to:
  1. Any zoning conditions imposed on the property; and
  2. Terms and conditions associated with any special land use permit or any special administrative permit.
- B. *Maintenance and protection of land held in common.* Prior to the issuance of any land disturbance permit, every applicant for development within an RNC (Residential Neighborhood Conservation) District must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism may include deed restrictions, a homeowner association, common areas held in common ownership or control, or conservation easements held by a land trust meeting the requirements of state law, which assure in perpetuity each of the following mandatory requirements:
  1. That all land held in open space will remain undivided and shall not be subdivided or removed from joint access or benefit in perpetuity;
  2. That all subsequent property owners in the development will be placed on notice of this development restriction through the deed records filed with the Superior Court of DeKalb County;

3. That all land held as greenspace will be properly maintained and that no liability or maintenance responsibilities for the land held as greenspace shall accrue to the city;
  4. That a legal entity exists for notice of deficiencies in maintenance of the land held as greenspace, correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
  5. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the conservation district;
  6. That all requirements of the legal mechanism used to comply with the regulations of this section will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.
- C. *Homeowner associations.* When a homeowner association is used as the legal mechanism to comply with the requirements of this section, the applicant for any land disturbance permit, in addition to meeting all of said requirements, shall provide for all of the following:
1. Equal access and right of use to all greenspace by all homeowners;
  2. Mandatory and automatic membership in the homeowner association for all homeowners and their successors;
  3. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
  4. Homeowner association lien authority to ensure the collection of dues from all members;
  5. Perpetual and continued maintenance and liability by the homeowner association of land held as greenspace; and
  6. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.

(Ord. of 8-2-2017, § 1(2.10.10))

### **Sec. 2.10.11. Off-street parking requirements.**

Minimum off-street parking requirements for uses and structures authorized and permitted in the RNC (Residential Neighborhood Conservation) District are as follows:

- A. Detached single-family dwelling: Three spaces.
- B. Reserved.
- C. Personal care home, group: Four spaces.
- D. Child care institution, group: Four spaces.
- E. Reserved.
- F. Child daycare facility: Three spaces.
- G. Convent or monastery: One space for each 200 square feet of floor area within the principal structure.
- H. Neighborhood recreation club: One space for each five club members but in no case less than ten spaces.
- I. Place of worship: Where fixed seats are used, one space for each three seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room used for public worship.

J. Private elementary, middle and high school:

1. Elementary and middle school: Two spaces for each classroom.
2. High school: Five spaces for each classroom.

K. Other uses: One space for each 200 square feet of floor area within the principal structure.

(Ord. of 8-2-2017, § 1(2.10.11); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.10.12. Relation of RNC (Residential Neighborhood Conservation) District regulations to subdivision or other regulations.**

Where there are conflicts between these RNC (Residential Neighborhood Conservation) District regulations and land subdivision requirements contained in chapter 14 or other regulations within the Code, these RNC (Residential Neighborhood Conservation) District regulations shall apply.

(Ord. of 8-2-2017, § 1(2.10.12))

## ***DIVISION 11. MEDIUM AND HIGH DENSITY RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS***

### **Sec. 2.11.1. Medium and high density ranges.**

The medium and high density residential zoning districts that allow cottage housing, attached, multifamily and mixed residential developments are permitted at the densities illustrated in Table 2.3, below:

Table 2.3. Summary of Density Ranges for Medium and High Density Residential Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

(Ord. of 8-2-2017, § 1(2.11.1); Ord. No. 2021-06-03, § 1(Exh. A, § D), 8-23-2021)

### **Sec. 2.11.2. Dimensional requirements.**

Dimensional requirements, including overall site requirements, individual lot dimensions, setbacks, and heights for Medium and High Density Residential Zoning Districts, are provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements. In addition, compatibility and transitional buffers, as defined and required in article 5 of this chapter may apply.

Table 2.4. Medium and High Density Residential Zoning Districts Dimensional Requirements



**Medium and High Density Residential**

KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, MU: Mixed-Use, U-SF: Urban Single-Family

CA: Character Area as identified in the Comprehensive Plan

Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3
Overall Site Requirements (minimum, unless otherwise specified)					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40— 60 HR-3: 60—120
Open space required (minimum percent)*	20 percent	20 percent	15 percent	15 percent	15 percent
Transitional buffers (feet)	See article 5 of this chapter				
Lot Requirements (minimum, unless otherwise specified)					
Single-Family Detached Conventional (SFD)**					
Lot area (square feet)	5,000/2,000 cottage	5,000/2,000 cottage	5,000/2,000 cottage	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 cottage and detached townhome	45/20 cottage and detached townhome	40/20 cottage and detached townhome	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50	60	65	Not permitted	Not permitted
Single-Family Attached (SFA)					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
Urban Single-Family (detached)					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
Two- or Three-Family (TTF)					
Lot area (square feet)	4,000	4,000	4,000	Not permitted	Not permitted
Lot width (feet)	60	55	50	Not permitted	Not permitted

Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	55 percent	55 percent	Not permitted	Not permitted
<i>Multifamily (MF) and Mixed-Use (MU)</i>					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum percent of total parcel acreage)	Not permitted	65 percent	75 percent	85 percent	85 percent
<i>Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site ****</i>					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20
Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5 of this chapter)			
Front with alley access (min. feet)	10	SFD and TTF: 10 SFA and MF: 5	SFD and TTF: 10 SFA and MF: 5	5	5
Side - interior lot (feet)****	SFD and TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF and MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				
Side - corner lot on public street (feet)	Same as front setback (see also article 5 of this chapter, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF and MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5 of this chapter)			
Rear with alley (feet)	10	10	10	10	10
<i>Unit Size, heated living area (square feet, minimum)</i>					
Single-Family Detached (SFD)-Conventional	1,200	1,200	1,000	Not permitted	Not permitted
Single-Family Detached (SFD)-Cottage	800	800	800	Not permitted	Not permitted
Single-Family Attached (SFA)***	1,200	1,200	1,000	1,000	Not permitted
Urban Single-Family (U-SF) Detached	1,100	1,100	1,100	1,100	Not permitted
Two- or Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted
Multifamily (MF)***	Not permitted for new developments	650	650	650	650

<i>Height (maximum and whichever is less when indicated as stories or feet)</i>					
Single-Family Detached (SFD)	35 feet	35 feet	35 feet	Not permitted	Not permitted
Except Res Infill Overlays = 28 feet					
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two- or Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multifamily (MF)***	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

\* Open space requirement shall apply to new subdivisions if project is > five acres or > 36 units (see chapter 14). See article 5 of this chapter for enhanced open space requirements.

\*\* Where two numbers are indicated, the first number is the standard and the second number applies only to housing type that is indicated, e.g., cottage or townhome.

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details; Urban-SF with zero-foot side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

(Ord. of 8-2-2017, § 1(2.11.2); Ord. No. 2021-06-03, § 1(Exh. A, § E), 8-23-2021)

## ***DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT***

### **Sec. 2.12.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RSM (Small Lot Residential Mix) District is as follows:

- A. To provide for the creation of For Sale residential neighborhoods that allow a mix of single-family attached and detached housing options;
- B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;
- C. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.12.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.12.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.
    - a. Dwelling, cottage home; see section 4.2.
    - b. Dwelling, single-family (attached).
    - c. Dwelling, single-family (detached).
    - d. Dwelling, three-family.
    - e. Dwelling, townhouse; see section 4.2.
    - f. Dwelling, two family.
    - g. Dwelling, urban single-family; see section 4.2.
  3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.

- a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Personal care home, 7 or more; see section 4.2.
    - g. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.

- a. Fitness center.

(Ord. of 8-2-2017, § 1(2.12.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.12.3. Dimensional requirements.**

Dimensional requirements for the RSM (Small Lot Residential Mix) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.12.3))

### **Sec. 2.12.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.12.4))

### **Sec. 2.12.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.
- B. Density determination of each RSM (Small Lot Residential Mix) property:
  1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

Table 2.6. Residential Density Bonus Eligibility and Percent, with Example Calculation

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-

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	share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.12.7.)
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED and reg, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low income households, or 25 percent for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Enhanced open space comprises 35 percent or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

**Example Density Bonus:** (Dwelling Units per Acre (du/acre))

Character Area (example):

Neighborhood Center Character Area

Bonus types in example project:

Sustainability Elements and Amenity Proximity

Method:

Multiply the Base x % = additional units eligible

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:

Base density: 4

% Bonus = 50%

Base x 50% = 4 x 50% = 2

+ 2 bonus du/acre

Amenity Proximity Bonus:

Base density: 4

% Bonus = 20%

Base x 20% = 4 x 20% = 0.8

+ 0.8 bonus du/acre

Step 2: Add bonus density to Base density

4

+

(2 + .8)

Base

Cumulative Bonus

= 6.8 du/acre max density

Total project density allowed

(Ord. of 8-2-2017, § 1(2.12.5); Ord. No. 2021-06-03, § 1(Exh. A, § F), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### Sec. 2.12.6. Amenity proximity requirements.

For proposed development within one-quarter mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

(Ord. of 8-2-2017, § 1(2.12.6))

### Sec. 2.12.7. Bonus density qualifying standards.

The following standards shall be applied when considering whether bonus density may be allowed:

#### A. Qualifying public improvements.

1. *Bus shelter.* To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
2. *Park-n-ride and/or ride-share.* To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of 100 parking spaces, and park-n-ride amenities shall provide a minimum of 300 parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
3. *Public art.* To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off-site, and have a value of at least one-half of one percent of the total construction valuation of the building permit. The maximum required value shall not exceed \$250,000.00.
  - a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.



- b. For commissioned work, a deposit with the ~~planning department~~ **Planning and Zoning Division** of 115 percent of the value of the public art is required prior to the issuance of a building permit.
  - c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including, but not limited to, the following:
    - Paintings;
    - Sculptures;
    - Site specific installations;
    - Engravings;
    - Carvings;
    - Frescos;
    - Mobiles;
    - Murals;
    - Collages;
    - Mosaics;
    - Statutes; and
    - Bas-reliefs.
  - d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.
  - e. The following shall not be considered public art or public works of art:
    - Reproductions or unlimited copies of original art work;
    - Art objects which are mass produced;
    - Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
    - Architectural rehabilitation or historical preservation.
4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
- a. Parking decks not integrated into other buildings shall be located internal to the site.
  - b. Structures are either:
    - (i) At least two stories above ground or greater; and/or
    - (ii) Alternatively, at least one story is underground.
  - c. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary buildings.

5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter mile and shall connect to a greenway/trail or sidewalk network external to the site.
- B. *Qualifying amenity clarifications.*
  1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9 of this chapter, including pharmacies with diagnostic services.
  2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. of 8-2-2017, § 1(2.12.7))

### ***DIVISION 13. MR-1 (MEDIUM DENSITY RESIDENTIAL-1) DISTRICT***

#### **Sec. 2.13.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MR-1 (Medium Density Residential-1) District is as follows:

- A. To encourage primarily For Sale or For Rent residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.13.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.13.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.
    - a. Dwelling, cottage home; see section 4.2.
    - b. Dwelling, multifamily.
    - c. Dwelling, single-family (attached).
    - d. Dwelling, single-family (detached).
    - e. Dwelling, three-family.
    - f. Dwelling, townhouse; see section 4.2.

- g. Dwelling, two family.
- h. Dwelling, urban single-family; see section 4.2.
- i. Live/work unit; see section 4.2
- j. Nursing care facility or hospice.
- 3. Institutional/Public.
  - a. Government facilities.
  - b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.

- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Boarding/rooming house.
    - c. Fraternity house or sorority house.
    - d. Home occupation, with customer contact; see section 4.2.
    - e. Convents or monasteries; see section 4.2.
    - f. Personal care home, 6 or less; see section 4.2.
    - g. Personal care home, 7 or more; see section 4.2.
    - h. Senior housing; see section 4.2.
    - i. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - j. Short term vacation rental.
    - k. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.

- a. Art gallery.
- b. Banks, credit unions or other similar financial institutions.
- c. Barber shop/beauty salon or similar establishments.
- d. Building or construction office.
- e. Coin laundry.
- f. Dog grooming; see section 4.2.
- g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
- h. Fitness center.
- i. Office, medical.
- j. Office, professional.
- k. Personal services establishment.
- l. Restaurants (non drive-thru).
- m. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.13.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.13.3. Dimensional requirements.**

Dimensional requirements for the MR-1 (Medium Density Residential-1) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.13.3))

### **Sec. 2.13.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.13.4))

### **Sec. 2.13.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-1 District before application of any bonus is 8 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.
- B. Density determination of each MR-1 (Medium Density Residential-1) property:
  - 1. Existing MR-1 properties: For existing properties converted to MR-1 (Medium Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

- b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.7, unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  - 2. New MR-1 properties: For property rezoned to the MR-1 (Medium Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-1 (Medium Density Residential-1) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.7.

(Ord. of 8-2-2017, § 1(2.13.5); Ord. No. 2021-06-03, § 1(Exh. A, § G), 8-23-2021)

## ***DIVISION 14. MR-2 (MEDIUM DENSITY RESIDENTIAL-2) DISTRICT***

### **Sec. 2.14.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MR-2 (Medium Density Residential-2) District is as follows:

- A. To encourage primarily For Sale or For Rent residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan;
- E. To provide districts that allow appropriate development transitions.

(Ord. of 8-2-2017, § 1(2.14.1); Ord. No. 2021-06-03, § 1(Exh. A, § H), 8-23-2021; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.14.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.

- b. Dwelling, cottage home; see section 4.2.
  - c. Dwelling, multifamily.
  - d. Dwelling, single-family (attached).
  - e. Dwelling, single-family (detached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Fraternity house or sorority house.
  - k. Live/work unit; see section 4.2.
  - l. Nursing care facility or hospice.
- 3. Institutional/Public.
    - a. Government facilities.
    - b. Library or museum.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Child day care center, up to 6; see section 4.2.
    - c. Child day care facility, 7 or more; see section 4.2.
  - 5. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 6. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility; see section 4.2.
    - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.

- c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales or events, seasonal; see section 4.2.
  - e. Temporary produce stand; see section 4.2.
  - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Personal care home, 7 or more; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - h. Shelter for homeless persons 7—20; see section 4.2.
    - i. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.



2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
3. Commercial.
  - a. Art gallery.
  - b. Banks, credit unions or other similar financial institutions.
  - c. Barber shop/beauty salon or similar establishments.
  - d. Building or construction office.
  - e. Coin laundry.
  - f. Dog grooming; see section 4.2.
  - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - h. Fitness center.
  - i. Office, medical.
  - j. Office, professional.
  - k. Personal services establishment.
  - l. Restaurants (non drive-thru).
  - m. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.14.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.14.3. Dimensional requirements.**

Dimensional requirements for the MR-2 (Medium Density Residential-2) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.14.3))

### **Sec. 2.14.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.14.4))

### **Sec. 2.14.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-2 District before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.
- B. Density determination of each MR-2 (Medium Density Residential-2) property:

1. Existing MR-2 properties: For existing properties converted to MR-2 (Medium Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  2. New MR-2 properties: For property rezoned to the MR-2 (Medium Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-2 (Medium Density Residential-2) District zoned property may be increased above the Base Max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density of MR-2 (Medium Density Residential-2) zoned property exceed the bonus maximum established by Table 2.8.

(Ord. of 8-2-2017, § 1(2.14.5); Ord. No. 2021-06-03, § 1(Exh. A, § I), 8-23-2021)

### Sec. 2.14.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as established in Table 2.9.

Table 2.9. MR-2 Building Height

Density above 18 and up to 24 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	3 stories or 45 feet*	4 stories or 60 feet*
With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
Density up to 18 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	2 stories or 35 feet*	3 stories or 45 feet*
With Accessory Non-Res	3 stories or 45 feet*	4 stories or 60 feet*
* Whichever is less		

## DIVISION 15. HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT

### **Sec. 2.15.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the HR-1 (High Density Residential-1) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, low-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.15.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.15.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.
    - b. Dwelling, apartment.
    - c. Dwelling, cottage home; see section 4.2.
    - d. Dwelling, multifamily.
    - e. Dwelling, single-family (attached).
    - f. Dwelling, single-family (detached).
    - g. Dwelling, three-family.
    - h. Dwelling, townhouse; see section 4.2.
    - i. Dwelling, two family.
    - j. Dwelling, urban single-family; see section 4.2.
    - k. Fraternity house or sorority house.
    - l. Live/work unit; see section 4.2.
    - m. Micro Home Community.
  - 3. Institutional/Public.
    - a. Government facilities.

- b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.

- c. Personal care home, 6 or less; see section 4.2.
- d. Personal care home, 7 or more; see section 4.2.
- e. Senior housing; see section 4.2.
- f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- g. Shelter for homeless persons 7—20; see section 4.2.
- h. Traditional housing facilities, 7—20; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Cultural facilities.
  - c. Places of worship; see section 4.2.
  - d. Recreation club; see section 4.2.
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - f. School, vocational; see section 4.2.
  - g. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.

- k. Restaurants (non drive-thru).
- l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.15.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.15.3. Dimensional requirements.**

Dimensional requirements for the HR-1 (High Density Residential-1) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.15.3))

### **Sec. 2.15.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.15.4))

### **Sec. 2.15.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-1 District before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Density determination of each HR-1 (High Density Residential-1) property:
  - 1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.10, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-1 properties: For property rezoned to the HR-1 (High Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-1 (High Density Residential-1) District zoned property may be increased above the base max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.10.

(Ord. of 8-2-2017, § 1(2.15.5))

### Sec. 2.15.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as regulated by Table 2.11.

Table 2.11. HR-1 Building Height

Density above 24 and up to 40 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	4 stories or 60 feet*	6 stories or 75 feet*
With Accessory Non-Res	6 stories or 75 feet*	8 stories or 100 feet*
Density up to 24 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	3 stories or 45 feet*	4 stories or 60 feet*
With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
* Whichever is less.		

## DIVISION 16. HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT

### Sec. 2.16.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-2 (High Density Residential-2) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, mid-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.16.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.16.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Boarding/rooming house.
  - b. Dwelling, apartment.
  - c. Dwelling, cottage home; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Micro Home Community.
3. Institutional/Public.
  - a. Government facilities.
  - b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.



- a. Urban, community garden, over 5 acres.
- 2. Residential.
  - a. Home occupation, no customer contact; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales or events, seasonal; see section 4.2.
  - e. Temporary produce stand; see section 4.2.
  - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Personal care home, 6 or less; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Shelter for homeless persons 7—20; see section 4.2.
    - h. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.

- b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.
    - k. Restaurants (non drive-thru).
    - l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.16.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.16.3. Dimensional requirements.**

Dimensional requirements for the HR-2 (High Density Residential-2) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.16.3))

### **Sec. 2.16.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.16.4))

### Sec. 2.16.5. Density and location criteria.

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 60 dwelling units per acre.
- B. Density determination of each HR-2 (High Density Residential-2) property:
  - 1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-2 (High Density Residential-2) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.12.

(Ord. of 8-2-2017, § 1(2.16.5); Ord. No. 2021-06-03, § 1(Exh. A, § K), 8-23-2021)

### Sec. 2.16.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as established by Table 2.13.

Table 2.13. HR-2 Building Height

Density above 40 and up to 60 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	6 stories or 75 feet*	8 stories or 100 feet*
With Accessory Non-Res	8 stories or 100 feet*	10 stories
Density up to 40 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	4 stories or 60 feet*	6 stories or 75 feet*
With Accessory Non-Res	6 stories or 75 feet*	8 stories or 100 feet*
* Whichever is less		

## DIVISION 17. HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT

### **Sec. 2.17.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the HR-3 (High Density Residential-3) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.17.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.17.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.
    - b. Dwelling, apartment.
    - c. Dwelling, cottage home; see section 4.2.
    - d. Dwelling, multifamily.
    - e. Dwelling, single-family (attached).
    - f. Dwelling, single-family (detached).
    - g. Dwelling, three-family.
    - h. Dwelling, townhouse; see section 4.2.
    - i. Dwelling, two family.
    - j. Dwelling, urban single-family; see section 4.2.
    - k. Fraternity house or sorority house.
    - l. Live/work unit; see section 4.2.
    - m. Micro Home Community.
  - 3. Institutional/Public.
    - a. Government facilities.

- b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.

- c. Personal care home, 6 or less; see section 4.2.
- d. Personal care home, 7 or more; see section 4.2.
- e. Senior housing; see section 4.2.
- f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- g. Shelter for homeless persons 7—20; see section 4.2.
- h. Traditional housing facilities, 7—20; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Cultural facilities.
  - c. Places of worship; see section 4.2.
  - d. Recreation club; see section 4.2.
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - f. School, vocational; see section 4.2.
  - g. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.

- k. Restaurants (non drive-thru).
- l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.17.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.17.3. Dimensional requirements.**

Dimensional requirements for the HR-3 (High Density Residential-3) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.17.3))

### **Sec. 2.17.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.17.4))

### **Sec. 2.17.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 60 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Density determination of each HR-3 (High Density Residential-3) property:
  - 1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High Density Residential-3) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

(Ord. of 8-2-2017, § 1(2.17.5); Ord. No. 2021-06-03, § 1(Exh. A, § L), 8-23-2021)

### Sec. 2.17.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as regulated by Table 2.15.

Table 2.15. HR-3 Building Height for Density

Density above 60 and up to 120 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	8 stories or 100 feet	No limit
With Accessory Non-Res	10 stories	No limit
Density up to 60 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved
Multifamily	6 stories or 75 feet*	8 stories or 100 feet*
With Accessory Non-Res	8 stories or 100 feet*	10 stories
* Whichever is less		

## DIVISION 18. MIXED-USE ZONING DISTRICTS

### Sec. 2.18.1. Statement of purpose and intent.

- A. The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:
1. To encourage the development of master or comprehensively planned, mixed-use developments;
  2. To permit flexible and compatible arrangements of residential, commercial, office, institutional, and civic uses;
  3. To offer a variety of housing options, including multifamily residential and single-family attached housing of various densities, upper-floor residential units over nonresidential space, or active adult and/or senior housing;
  4. To implement the future development map of the city's most current comprehensive plan;
  5. To maintain harmony of scale, intensity, and design of character areas with varying housing options;
  6. To accommodate and promote mixed-use buildings with amenities and services provided by a variety of nonresidential uses, as appropriate in the activity centers established by the comprehensive plan;
  7. To promote the health and well-being of residents through the development of living environments that accommodate pedestrians and bicyclists;
  8. To encourage a sense of community through design that promotes social interaction; and
  9. To reduce automobile traffic and congestion and promote the use of transit by encouraging appropriate development densities.

(Ord. of 8-2-2017, § 1(2.18.1))



### Sec. 2.18.2. Mixed-use district densities.

- A. Table 2.16, which summarizes the allowed densities and eligible character areas for mixed-use zoning districts, is provided for the aid of the reader. Any conflict between Table 2.16 and any other provision of this chapter shall be resolved in favor of the other provision of this chapter.

Table 2.16. Summary of Mixed-Use Zoning District Densities

Zoning District Name		Density (units/acre)
Mixed-Use Low Density	MU-1	4—8
Mixed-Use Low-Medium Density	MU-2	8—12
Mixed-Use Medium Density	MU-3	12—24
Mixed-Use High Density	MU-4	24—40
Mixed-Use Very High Density	MU-5	40—60

- B. Individual buildings in any mixed use district may exclusively consist of only residential uses, provided that they are part of a larger mixed-use development that meets the overall percentage mix of nonresidential to residential floor area established by Table 2.17.

(Ord. of 8-2-2017, § 1(2.18.2); Ord. No. 2021-06-03, § 1(Exh. A, § M), 8-23-2021)

### Sec. 2.18.3. Mixed-use dimensional requirements.

Dimensional requirements including overall site requirements, individual lot dimensions, setbacks, and heights for Mixed-Use Districts are provided in Table 2.17, Mixed-Use Zoning Districts Dimensional Requirements. Compatibility rules and transitional buffers, as defined and required in article 5 of this chapter may apply.

Table 2.17. Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts				
<b>KEY:</b> Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office				
Element	MU-1	MU-2	MU-3	MU-4 and MU-5
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)

Open space required (minimum percent)*	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage
Transitional buffers (feet)	See article 5 of this chapter			
Required minimum mix of uses				
Nonresidential (percentage square footage of building)	10 percent	15 percent	20 percent	20 percent
Residential (percentage square footage of building)	15 percent	10 percent	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD)**				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20
Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	75 percent	80 percent	90 percent
Two- or Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55
Lot coverage (maximum percent per lot or total parcel acreage)	55	55	75	75
Multifamily (MF) - See Building Type Standards in article 5 of this chapter				
Lot area (square feet)	12,500	12,500	12,500	12,500

Lot width (feet)	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
<i>Building Setbacks (minimum, unless specified)</i>				
<i>Single-Family Detached and Two-Family</i>				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
<i>Single-Family Attached and Urban Single-Family</i>				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
<i>Mixed-Use/Commercial/Multifamily***</i>				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present
Rear - w/alley (feet)	10	10	5	5

<i>Unit Size, heated living area (minimum, unless specified)</i>				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multifamily - one bedroom (square feet)	550	500	500	500
Multifamily - two bedroom (square feet)	700	650	650	650
Multifamily - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted
Live/Work (residential portion square feet)	400	400	400	400

\* See article 5 of this chapter for enhanced open space requirements.

\*\* SFD Cottage type exempt; see article 5 of this chapter for standards.

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details.

(Ord. of 8-2-2017, § 1(2.18.3); Ord. No. 2021-06-03, § 1(Exh. A, § N), 8-23-2021)

## ***DIVISION 19. MU-1 (MIXED-USE LOW DENSITY) DISTRICT***

### **Sec. 2.19.1. Dimensional requirements.**

Dimensional requirements for the MU-1 (Mixed-Use Low Density) District shall be as provided in Table 2.17, Mixed-Use Zoning Districts Dimensional Requirements. Dimensions are established in Table 2.17 for the overall development site (development parcel) and for individual lots intended for For Sale single-family detached or single-family attached housing types, when such lots include yards. A mixed-use development may be subject to

both the overall development site dimensions and the individual lot dimensions, depending on the mixture of housing types that are proposed for the overall development.

(Ord. of 8-2-2017, § 1(2.19.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.19.2. Site and building design standards.**

Site and building design standards and regulations shall be as provided in Table 2.17 and article 5 of this chapter, site and building design standards.

(Ord. of 8-2-2017, § 1(2.19.2))

### **Sec. 2.19.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Child day care center.
  - b. Dwelling, multifamily.
  - c. Dwelling, single-family (attached).
  - d. Dwelling, single-family (detached).
  - e. Dwelling, three-family.
  - f. Dwelling, townhouse; see section 4.2.
  - g. Dwelling, two family.
  - h. Dwelling, urban single-family; see section 4.2.
  - i. Live/work unit; see section 4.2.
  - j. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Library or museum.
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - g. Places of worship; see section 4.2.

- h. School, public kindergarten, elementary, middle or high schools.
  - i. School, specialty; see section 4.2.
  - j. School, vocational; see section 4.2.
4. Commercial.
- a. Adult daycare facility, up to 6; see section 4.2.
  - b. Animal hospitals, veterinary clinic; see section 4.2.
  - c. Art gallery.
  - d. Banks, credit unions or other similar financial institutions.
  - e. Barber shop/beauty salon or similar establishments.
  - f. Brewpub/beer growler.
  - g. Catering establishment.
  - h. Check cashing establishment, accessory; see section 4.2.
  - i. Child day care center (kindergarten), 7 or more.
  - j. Child day care facility, 7 or more; see section 4.2.
  - k. Clinic, health services.
  - l. Commercial greenhouse or plant nursery; see section 4.2.
  - m. Dog day care.
  - n. Dog grooming.
  - o. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - p. Farmer's market, permanent; see section 4.2.
  - q. Fitness center.
  - r. Kidney dialysis center.
  - s. Office, medical.
  - t. Office, professional.
  - u. Parking, commercial lot; see section 4.2.
  - v. Parking, commercial garage.
  - w. Personal services establishment.
  - x. Recreation, indoor.
  - y. Restaurants (non drive-thru).
  - z. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - aa. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - bb. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - cc. Shopping center.

- dd. Special events facility.
- ee. Taxi stand.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Short Term vacation rental.
  - 2. Institutional/Public.

- a. Cultural facilities.
- 3. Commercial.
  - a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Nightclub or late-night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.19.4. MU-1 (Mixed-Use Low Density) District rezoning submittal requirements.**

The following standards only apply to rezoning applications initiated by the owners of the subject property or the authorized agent of the owners. In the interest of economic development and to spur redevelopment, applications initiated by the city are not required to comply with the standards in this section.

Prior to the submittal of an application for a land disturbance permit or building permit, an applicant for development of a city-initiated MU-zoned property, shall comply with the following standards. The application will be reviewed administratively by the director.

- A. *Pre-application meeting.* Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the ~~director of planning~~ **Community Development Director or his/her designee** to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.
- B. *Submittal of master development plan.* The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and instruction form established by the planning ~~department~~ **and zoning division**. The master development plan shall include:
  - 1. *Pre-application meeting minutes.* Applicants shall provide documentation showing that the required pre-application meeting occurred.
  - 2. *Master development plan.* A master development plan shall illustrate the project showing the location of proposed uses identified by type, site functions, and internal vehicular and pedestrian circulation, along with proposed access points (note: prefer multi-modal access plan as specified in the overlays).
  - 3. *Master development standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall submit the following with the rezoning application:



- a. A set of tables, matrices, and/or diagrams shall document the proposed standards that will regulate the permitted use, density, lot dimensions, setbacks, site and building form for each area identified in the master concept plan, and indicate all instances where proposed standards vary from this division.
  - b. Documentation regarding eligibility for density bonuses sought by the applicant (see section 2.19.6).
  - c. A summary of the anticipated maintenance and ownership of streets and open spaces.
  - d. Proposed gross and net nonresidential floor area, maximum number of residential dwelling units by type and minimum lot size, and amount of enhanced open space.
4. *Master development plan architectural standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall include with the master development plan a set of binding and enforceable architectural standards that will be utilized by the developer to ensure aesthetic continuity throughout the life of the project.
- a. At a minimum, the architectural standards shall address lighting, signage, fences, landscaping, building materials, and other architectural features proposed to be included by the applicant.
  - b. A master sign plan may be proposed for approval at the time of rezoning with dimensions that vary from the sign ordinance, provided that the proposed plan demonstrates pedestrian-oriented scale.

(Ord. of 8-2-2017, § 1(2.19.4))

#### **Sec. 2.19.5. Mixed-use building restrictions.**

The following restrictions shall also apply to mixed-use buildings:

- A. All uses allowed in the MU-1 (Mixed-Use Low Density) District, as provided in Table 4.1, may occupy the ground level of a mixed-use building; however, any residential uses shall not occupy more than 50 percent of the floor area of the ground level. All levels above ground level shall only be occupied by residential, professional office or service uses.

(Ord. of 8-2-2017, § 1(2.19.5))

#### **Sec. 2.19.6. Density and location criteria (MU-1 District).**

- A. The maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.
- B. Density determination of each MU-1 (Mixed-Use Low Density) property:
  - 1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.
    - b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the Base Max described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

Table 2.19. Residential Density Bonus Eligibility and Percent, with Example Calculation

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of property boundary.
Nonresidential and Residential Mix of Uses	Total gross square footage of all buildings occupied by nonresidential uses is between 10 and 25 percent.
Amenity Proximity	Existing amenities such as health care facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers.
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED®, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low-income households, or 25 percent by senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Nonresidential and Residential Mix of Uses	Nonresidential uses occupy more than 25 percent of total gross square footage of all buildings.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Additional enhanced open space comprises 35 percent or more of the overall site development.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

<b>Example Density Bonus:</b> (Dwelling Units per Acre (du/acre))		
Character Area (example):	Neighborhood Center Character Area	
Bonus types in example project:	Sustainability Elements and Amenity Proximity	
Method:	Multiply the Base x % = additional units eligible	
Step 1: Calculate density gained by bonus type:		
	<u>Sustainability Element Bonus:</u>	<u>Amenity Proximity Bonus:</u>
	Base density: 4	Base density: 4
	% Bonus = 50%	% Bonus = 20%
	Base x 50% = 4 x 50% = 2	Base x 20% = 4 x 20%
	+ 2 bonus du/acre	+ .8 bonus du/acre
Step 2: Add bonus density to Base density		
	4 + (2 + .8)	= 6.8 du/acre max density
	Base Cumulative Bonus	Total project density allowed

(Ord. of 8-2-2017, § 1(2.19.6); Ord. No. 2021-06-03, § 1(Exh. A, § P), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### Sec. 2.19.7. Reserved.

(Ord. of 8-2-2017, § 1(2.19.7))

### Sec. 2.19.8. MU-1 retail size restrictions.

Standalone retail or other uses shall not exceed 40,000 square feet total floor area without a special land use permit, which may be issued based on the criteria provided in section 7.4.6.

(Ord. of 8-2-2017, § 1(2.19.8))

## *DIVISION 20. MU-2 (MIXED-USE LOW-MEDIUM DENSITY) DISTRICT*

### Sec. 2.20.1. District requirements, standards and criteria (MU-2 District).

With the exception of the use list below, all provisions found in the MU-1 (Mixed Use Low Density) District, "For Sale" shall apply to the MU-2 (Mixed-Use Low Medium Density) District, except that the maximum allowed dwelling unit density before application of any bonus is 6 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

(Ord. of 8-2-2017, § 1(2.20.1); Ord. No. 2021-06-03, § 1(Exh. A, § Q), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.20.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Library or museum.
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - g. Places of worship; see section 4.2.
  - h. School, public kindergarten, elementary, middle or high schools.
  - i. School, specialty; see section 4.2.
  - j. School, vocational; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Animal hospitals, veterinary clinic; see section 4.2.
  - d. Art gallery.
  - e. Automobile or truck rental or leasing facilities; see section 4.2.
  - f. Banks, credit unions or other similar financial institutions.

- g. Barber shop/beauty salon or similar establishments.
- h. Brewpub/beer growler.
- i. Catering establishment.
- j. Check cashing establishment, accessory; see section 4.2.
- k. Child day care facility, up to 6; see section 4.2.
- l. Child day care center (kindergarten), 7 or more.
- m. Child day care facility, 7 or more; see section 4.2.
- n. Clinic, health services.
- o. Coin laundry.
- p. Dog day care.
- q. Dog grooming.
- r. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- s. Farmer's market, permanent; see section 4.2.
- t. Fitness center.
- u. Kidney dialysis center.
- v. Office, medical.
- w. Office, professional.
- x. Parking, commercial lot; see section 4.2.
- y. Parking, commercial garage.
- z. Personal services establishment.
- aa. Recreation, indoor.
- bb. Restaurants (accessory to hotel/motel).
- cc. Restaurants (non drive-thru).
- dd. Retail, 5,000 sf or less (with the exception of small box discount stores).
- ee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- ff. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
- gg. Shopping center.
- hh. Special events facility.
- ii. Taxi stand.
- 5. Industrial.
  - a. Contractor, general (see also building or construction office).
- 6. Communications—Utility.
  - a. Essential services.

- b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Short Term vacation rental.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.

- a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
- 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Swimming pools, commercial; see section 4.2.
    - c. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 21. MU-3 (MIXED-USE MEDIUM DENSITY) DISTRICT***

### **Sec. 2.21.1. District requirements, standards and criteria. (MU-3 District)**

With the exception of the use list below, all provisions found in the MU-2 (Mixed-Use Medium Density) District, "For Sale" shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.
- B. Section 2.19.8 regarding retail size restrictions shall not apply.
- C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

(Ord. of 8-2-2017, § 1(2.21.1); Ord. No. 2021-06-03, § 1(Exh. A, § R), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.21.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.

- a. Urban Community Garden, up to 5 acres; see section 4.2.
- 2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Nursing care facility or hospice.
- 3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Hospital or accessory ambulance service.
  - f. Library or museum.
  - g. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - h. Places of worship; see section 4.2.
  - i. School, public kindergarten, elementary, middle or high schools.
  - j. School, specialty; see section 4.2.
  - k. School, vocational; see section 4.2.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.



- g. Brewpub/beer growler.
  - h. Catering establishment.
  - i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.
  - n. Coin laundry.
  - o. Dog day care.
  - p. Dog grooming.
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Kidney dialysis center.
  - u. Office, medical.
  - v. Office, professional.
  - w. Parking, commercial lot; see section 4.2.
  - x. Parking, commercial garage.
  - y. Personal services establishment.
  - z. Recreation, indoor.
  - aa. Restaurants (accessory to hotel/motel).
  - bb. Restaurants (non drive-thru).
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - ff. Shopping center.
  - gg. Special events facility.
  - hh. Taxi stand.
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
- 5. Industrial.
    - a. Contractor, general (see also building or construction office).
  - 6. Communications—Utility.
    - a. Essential services.

- b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Medical or dental laboratories.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Coliseum or stadium, not associated with a church or school; see section 4.2.
    - b. Cultural facilities.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.

3. Commercial.
  - a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Heliport; see section 4.2.
  - f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Swimming pools, commercial; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 22. MU-4 (MIXED-USE HIGH DENSITY) DISTRICT***

### **Sec. 2.22.1. District requirements, standards and criteria (MU-4 District).**

With the exception of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District, "For Sale" shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

(Ord. of 8-2-2017, § 1(2.22.1); Ord. No. 2021-06-03, § 1(Exh. A, § S), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.22.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.

2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Live/work unit; see section 4.2.
  - k. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Hospital or accessory ambulance service.
  - g. Library or museum.
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - i. Places of worship; see section 4.2.
  - j. School, public kindergarten, elementary, middle or high schools.
  - k. School, specialty; see section 4.2.
  - l. School, vocational; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Catering establishment.

- i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.
  - n. Coin laundry.
  - o. Dog day care.
  - p. Dog grooming.
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Kidney dialysis center.
  - u. Office, medical.
  - v. Office, professional.
  - w. Parking, commercial lot; see section 4.2.
  - x. Parking, commercial garage.
  - y. Personal services establishment.
  - z. Recreation, indoor.
  - aa. Restaurants (accessory to hotel/motel).
  - bb. Restaurants (non drive-thru).
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - ff. Shopping center.
  - gg. Special events facility.
  - hh. Taxi stand.
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
- 5. Communications—Utility.
    - a. Essential services.
    - b. Radio or television broadcasting studio.
    - c. Satellite television antenna; see section 4.2.
  - 6. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility; see section 4.2.

- b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Medical or dental laboratories.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.
    - a. Alcohol outlet—package store, primary; see section 4.2.
    - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - c. Bus or rail stations or terminals for passengers.

- d. Drive-through facilities; see section 4.2.
  - e. Heliport; see section 4.2.
  - f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
- 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Swimming pools, commercial; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### ***DIVISION 23. MU-5 (MIXED-USE VERY HIGH DENSITY) DISTRICT***

#### **Sec 2.23.1. District requirements, standards and criteria (MU-5 District).**

With the exceptions of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District, "For Sale" shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:

- A. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Height restrictions apply to MU-5 in accordance with Tables 2.13 and 2.15, as applicable.

(Ord. of 8-2-2017, § 1(2.23.1); Ord. No. 2021-06-03, § 1(Exh. A, § T), 8-23-2021; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.23.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Child day care center.
    - c. Convents or monasteries; see section 4.2.
    - d. Dwelling, multifamily.

- e. Dwelling, single-family (attached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Live/work unit; see section 4.2.
  - k. Nursing care facility or hospice.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Hospital or accessory ambulance service.
  - g. Library or museum.
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - i. Places of worship; see section 4.2.
  - j. School, public kindergarten, elementary, middle or high schools.
  - k. School, specialty; see section 4.2.
  - l. School, vocational; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Catering establishment.
  - i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.



- n. Coin laundry.
- o. Dog day care.
- p. Dog grooming.
- q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- r. Farmer's market, permanent; see section 4.2.
- s. Fitness center.
- t. Kidney dialysis center.
- u. Office, medical.
- v. Office, professional.
- w. Parking, commercial lot; see section 4.2.
- x. Parking, commercial garage.
- y. Personal services establishment.
- z. Recreation, indoor.
- aa. Restaurants (accessory to hotel/motel).
- bb. Restaurants (non drive-thru).
- cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
- dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
- ff. Shopping center.
- gg. Special events facility.
- hh. Taxi stand.
- ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.

- a. Home occupation, no customer contact; see section 4.2.
  - b. Hotel/motel.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Medical or dental laboratories.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.
    - a. Alcohol outlet—package store, primary; see section 4.2.
    - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - c. Bus or rail stations or terminals for passengers.
    - d. Drive-through facilities; see section 4.2.
    - e. Heliport; see section 4.2.
    - f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.

- 
- a. Accessory uses or structures.
  - b. Dormitory.
  - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
2. Institutional/Public.
- a. Swimming pools, commercial; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- (Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 24. NONRESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS***

### **Sec. 2.24.1. Dimensional requirements.**

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Nonresidential Districts are provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements. Building setback, height and lot width may be tied to lot size compatibility, averaging as defined and required in article 5 of this chapter.

Table 2.24. Nonresidential Zoning Districts Dimensional Requirements

Nonresidential Districts								
KEY:								
Character Areas:								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>								
<i>Dimensional Requirements</i>								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. and uses req'g SLUP, 1 acre for all other uses
Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	80	TC/RC: 90 All other: 80	TC/RC: 90 All other: 80	80	80	80
<i>Open Space Requirements</i>								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum percent)	15	15	15	10	10	15	15	15
Sites with 40,000 sq. ft. gross floor area (minimum percent)	20	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4 of this chapter							
<i>Building Setback Requirements (minimum, unless otherwise specified)</i>								
Front thoroughfares and arterials (feet)	40	60*	30	60	60	75	60	60

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Front - all other streets (feet)	30	50*	20	50	50	75	60	60
Side - interior lot (feet)	20	20*	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50*	15	50	50	50	60	60
Rear (feet)	30	30*	20	30	30	30	30	30
<i>Unit Size (residential: heated living area)</i>								
Floor area of attached dwelling unit of Multifamily (min. sq. ft.)	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
<i>Height (maximum without a special land use permit (SLUP))**</i>								
Height (feet)	2 story/ 35 feet	5 story/ 70 feet	2 story/ 35 feet	2 story/ 35 feet	2 story/ 35 feet	2 story/ 35 feet	**	**
Transitional height plane (see article 5 of this chapter)	No	Yes	No	No	No	Yes	Yes	Yes

\* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50 percent.

\*\* Fire department and rescue services must approve over three stories to ensure adequacy of fire protection facilities.

\*\*\* Five-story/70 feet if in an activity node, two-story/35 feet outside an activity node, unless obtaining a SLUP for up to five-story/70 feet.

(Ord. of 8-2-2017, § 1(2.24.1); Ord. No. 2021-06-03, § 1(Exh. A, § V), 8-23-2021)

- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 2. - DISTRICT REGULATIONS  
**DIVISION** 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT

## ***DIVISION 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT***

### **Sec. 2.25.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the NS (Neighborhood Shopping) District is as follows:

- A. To provide convenient neighborhood retail shopping and service areas within the city for all residents;
- B. To provide for the development of new Neighborhood Shopping Districts where so designated on the comprehensive plan;
- C. To ensure that the size and scale of neighborhood shopping centers and individual uses within said centers are compatible with the scale of adjoining neighborhoods;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.25.1); Ord. No. 2021-06-03, § 1(Exh. A, § W), 8-23-2021)

### **Sec. 2.25.2. Intensity limitations.**

In a building that contains more than one business establishment, no single business establishment shall occupy more than 15,000 square feet, whether owned or leased. No building occupied by a single business establishment shall exceed 50,000 square feet.

(Ord. of 8-2-2017, § 1(2.25.2))

### **Sec. 2.25.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child day care center.
  - 3. Institutional/Public.
    - a. Government facilities.
    - b. Library or museum.

- c. Places of worship; see section 4.2.
- d. School, vocational; see section 4.2.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Animal hospital, veterinary clinic; see section 4.2.
  - d. Art gallery.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Child day care facility, up to 6; see section 4.2.
  - i. Child day care center (kindergarten), 7 or more.
  - j. Clinic, health services.
  - k. Coin laundry.
  - l. Commercial greenhouse or plant nursery; see section 4.2.
  - m. Drive-through facilities; see section 4.2.
  - n. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - o. Farmer's market, permanent; see section 4.2.
  - p. Fitness center.
  - q. Office, medical.
  - r. Office, professional.
  - s. Personal services establishment.
  - t. Recreation, indoor.
  - u. Restaurants (non drive-thru).
  - v. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - w. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - x. Shopping center.
  - y. Taxi stand.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.



- b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Institutional/Public.
    - a. School, vocational; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care facility, 6 or more; see section 4.2.
    - b. Personal care home, 6 or less; see section 4.2.
    - c. Personal care home, 7 or more; see section 4.2.
  - 2. Commercial.
    - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000sf; see section 4.2.
    - c. Automobile service stations; see section 4.2.
    - d. Fuel pumps; see section 4.2.
    - e. Liquor store (see alcohol outlet); see section 4.2.
    - f. Nightclub or late night establishment; see section 4.2.
  - 3. Wireless Telecommunications.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.

2. Commercial.
  - a. Kennel, breeding.
3. Industrial.
  - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.25.3); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.25.4. Dimensional requirements.**

Dimensional requirements for the NS (Neighborhood Shopping) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.25.4))

#### **Sec. 2.25.5. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.25.5))

### ***DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT***

#### **Sec. 2.26.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the C-1 (Local Commercial) District is as follows:

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for quality control in development through materials and building placement;
- C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1); Ord. No. 2021-06-03, § 1(Exh. A, § X), 8-23-2021)

#### **Sec. 2.26.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.

- a. Bed and breakfast establishment; see section 4.2.
  - b. Child care facility, 6 or more.
  - c. Child care home, 5 or less; see section 4.2.
  - d. Child day care center.
  - e. Hotel/motel.
  - f. Live/work unit; see section 4.2.
  - g. Nursing care facility or hospice.
  - h. Personal care home, 6 or less; see section 4.2.
  - i. Personal care home, 7 or more; see section 4.2.
  - j. Shelter for homeless persons, 7—20; see section 4.2.
  - k. Transitional housing facilities, 7—20 persons; see section 4.2.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Coliseum or stadium/not associated with church or school; see section 4.2.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Library or museum.
  - g. Places of worship; see section 4.2.
  - h. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - i. School, public kindergarten, elementary, middle or high schools.
  - j. School, specialty; see section 4.2.
  - k. School, vocational; see section 4.2.
  - l. Swimming pools, commercial; see section 4.2.
  - m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Ambulance service or emergency medical services, private.
  - d. Animal hospital, veterinary clinic; see section 4.2.
  - e. Art gallery.
  - f. Automobile brokerage; see section 4.2.
  - g. Automobile or truck rental or leasing facilities; see section 4.2.
  - h. Automobile or truck sales; see section 4.2.

- i. Automobile wash/was service; see section 4.2.
- j. Automobile repair, minor; see section 4.2.
- k. Banks, credit unions or other similar financial institutions.
- l. Barber shop/beauty salon or similar establishments.
- m. Brewpub/beer growler.
- n. Building or construction office; see section 4.2.
- o. Catering establishments.
- p. Check cashing establishment, accessory; see section 4.2.
- q. Child day care facility, up to 6; see section 4.2.
- r. Child day care center (kindergarten), 7 or more.
- s. Clinic, health services.
- t. Coin laundry.
- u. Commercial greenhouse or plant nursery; see section 4.2.
- v. Dog day care; see section 4.2.
- w. Dog grooming; see section 4.2.
- x. Drive-through facilities; see section 4.2.
- y. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- z. Farmer's market, permanent; see section 4.2.
- aa. Fitness center.
- bb. Kennel, commercial.
- cc. Kidney dialysis center.
- dd. Medical or dental laboratories.
- ee. Landscape business.
- ff. Mini-warehouse; see section 4.2.
- gg. Office, medical.
- hh. Office, professional.
- ii. Parking, commercial lot; see section 4.2.
- jj. Parking, commercial garage.
- kk. Personal services establishment.
- ll. Recreation, indoor.
- mm. Recreational vehicle, boat and trailer sales and service.
- nn. Restaurants (accessory to hotel/motel).
- oo. Restaurants (non drive-thru).
- pp. Retail, 5,000 sf or less (with the exception of small box discount stores).

- qq. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ss. Shopping center.
- tt. Special events facility.
- uu. Taxi stand.
- vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building.
- ww. Trade shops.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Institutional/Public.
    - a. School, vocational; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. New support structure from 50 feet up to 199 feet; see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.

- a. Hotel/motel, extended stay; see section 4.2.
  - b. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- 2. Institutional/Public.
  - a. Cultural facilities.
- 3. Commercial.
  - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf; see section 4.2.
  - c. Alcohol outlet—package store, primary; see section 4.2.
  - d. Automobile service stations; see section 4.2.
  - e. Bus or rail stations or terminals for passengers.
  - f. Crematoriums; see section 4.2.
  - g. Fuel pumps; see section 4.2.
  - h. Heliport; see section 4.2.
  - i. Liquor store (see alcohol outlet); see section 4.2.
  - j. Nightclub or late night establishment; see section 4.2.
  - k. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
    - b. Kennel, breeding.
  - 3. Industrial.
    - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.26.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.26.3. Dimensional requirements.**

Dimensional requirements for the C-1 (Local Commercial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.26.3))

#### **Sec. 2.26.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.26.4))

### ***DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT***

#### **Sec. 2.27.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the C-2 (General Commercial) District is as follows:

- A. To provide convenient general business and commercial service areas within the city for all residents;
- B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;
- C. To provide for auto-oriented needs outside of the applicable-character areas, but to focus on the pedestrian oriented development which in these districts;
- D. To provide for quality control in development through materials and building placement;
- E. To ensure that the uses authorized within the C-2 (General Commercial) District are those uses which are designed to serve the general business and commercial service needs of the city;
- F. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.27.1); Ord. No. 2021-06-03, § 1(Exh. A, § Y), 8-23-2021)

#### **Sec. 2.27.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Child care facility, 6 or more.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Child day care center.
    - e. Hotel/motel.
    - f. Live/work unit; see section 4.2.
    - g. Nursing care facility or hospice.

- h. Personal care home, 6 or less; see section 4.2.
  - i. Personal care home, 7 or more; see section 4.2.
  - j. Shelter for homeless persons, no more than 6 persons; see section 4.2.
  - k. Transitional housing facilities, 7—20 persons; see section 4.2.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Coliseum or stadium/not associated with church or school; see section 4.2.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Library or museum.
  - h. Places of worship; see section 4.2.
  - i. Recreation, outdoor; see section 4.2.
  - j. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - k. School, public kindergarten, elementary, middle or high schools.
  - l. School, specialty; see section 4.2.
  - m. School, vocational; see section 4.2.
  - n. Swimming pools, commercial; see section 4.2.
  - o. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Ambulance service or emergency medical services, private.
  - d. Animal hospital, veterinary clinic; see section 4.2.
  - e. Animal shelter/rescue center; see section 4.2.
  - f. Art gallery.
  - g. Automobile brokerage; see section 4.2.
  - h. Automobile or truck rental or leasing facilities; see section 4.2.
  - i. Automobile or truck sales; see section 4.2.
  - j. Automobile upholstery shop.
  - k. Automobile wash/was service; see section 4.2.
  - l. Automobile repair, major; see section 4.2.
  - m. Automobile repair, minor; see section 4.2.



- n. Banks, credit unions or other similar financial institutions.
- o. Barber shop/beauty salon or similar establishments.
- p. Brewpub/beer growler.
- q. Building or construction office; see section 4.2.
- r. Catering establishments.
- s. Check cashing establishment, accessory; see section 4.2.
- t. Check cashing establishment, primary; see section 4.2.
- u. Child day care facility, up to 6; see section 4.2.
- v. Child day care center (kindergarten), 7 or more.
- w. Clinic, health services.
- x. Coin laundry.
- y. Commercial greenhouse or plant nursery; see section 4.2.
- z. Contractor office, heavy construction; see section 4.2.
- aa. Contractor office, landscape; see section 4.2.
- bb. Dog day care; see section 4.2.
- cc. Dog grooming; see section 4.2.
- dd. Drive-in theater; see section 4.2.
- ee. Drive-through facilities; see section 4.2.
- ff. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- gg. Fairground or amusement park; see section 4.2.
- hh. Farmer's market, permanent; see section 4.2.
- ii. Fitness center.
- jj. Fuel dealers or wholesalers.
- kk. Kennel, breeding.
- ll. Kennel, commercial.
- mm. Kidney dialysis center.
- nn. Medical or dental laboratories.
- oo. Landscape business.
- pp. Mini-warehouse; see section 4.2.
- qq. Office, medical.
- rr. Office, professional.
- ss. Outdoor storage, commercial; see section 4.2.
- tt. Parking, commercial lot; see section 4.2.
- uu. Parking, commercial garage.

- vv. Pawn shop, title loan; see section 4.2.
- ww. Personal services establishment.
- xx. Printing or publishing establishments.
- yy. Recreation, indoor.
- zz. Recreation, outdoor; see section 4.2.
- aaa. Recreational vehicle, boat and trailer sales and service.
- bbb. Restaurants (accessory to hotel/motel).
- ccc. Restaurants (non drive-thru).
- ddd. Retail, 5,000 sf or less (with the exception of small box discount stores).
- eee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- fff. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ggg. Shopping center.
- hhh. Special events facility.
- iii. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- jjj. Taxi stand.
- kkk. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building.
- III. Trade shops.
- 5. Industrial.
  - a. Building materials or lumber supply establishment.
  - b. Contractor, general.
  - c. Contractor heavy construction, outside storage.
  - d. Contractor, special trade.
  - e. Heavy equipment repair service or trade.
- 6. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.

- a. Urban, community garden, over 5 acres.
- 2. Institutional/Public.
  - a. School, vocational; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Hotel/motel, extended stay; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
  - 3. Commercial.
    - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000sf; see section 4.2.
    - c. Alcohol outlet—package store, primary; see section 4.2.
    - d. Automobile service stations; see section 4.2.
    - e. Bus or rail stations or terminals for passengers.
    - f. Crematoriums; see section 4.2.
    - g. Fuel pumps; see section 4.2.
    - h. Heliport; see section 4.2.
    - i. Liquor store (see alcohol outlet); see section 4.2.
    - j. Nightclub or late night establishment; see section 4.2.
    - k. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:

1. Residential.
  - a. Accessory uses or structures.
  - b. Dormitory.
2. Commercial.
  - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
  - b. Service area, outdoor; see section 4.2.
3. Industrial.
  - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.27.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.27.3. Dimensional requirements.**

Dimensional requirements for the C-2 (General Commercial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.27.3))

### **Sec. 2.27.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.27.4))

## ***DIVISION 28. OD (OFFICE-DISTRIBUTION) DISTRICT***

### **Sec. 2.28.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OD (Office-Distribution) District is as follows:

- A. To provide convenient areas within the city for the development of office and distribution establishments which are necessary for the residents and business practitioners within the city; and
- B. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.28.1))

### **Sec. 2.28.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Hotel/motel.
3. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Coliseum or stadium/not associated with church or school; see section 4.2.
  - d. Colleges, universities, research and training facilities.
  - e. Educational use, private; see section 4.2.
  - f. Golf course or clubhouse, public or private; see section 4.2.
  - g. Government facilities.
  - h. Library or museum.
  - i. Places of worship; see section 4.2.
  - j. Recreation club; see section 4.2.
  - k. Recreation, outdoor; see section 4.2.
  - l. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - m. School, public kindergarten, elementary, middle or high schools.
  - n. School, specialty; see section 4.2.
  - o. School, vocational; see section 4.2.
  - p. Swimming pools, commercial; see section 4.2.
  - q. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - d. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf; see section 4.2.
  - e. Alcohol outlet—package store, primary; see section 4.2.
  - f. Animal hospital, veterinary clinic; see section 4.2.
  - g. Animal shelter/rescue center; see section 4.2.
  - h. Art gallery.
  - i. Barber shop/beauty salon or similar establishments.
  - j. Building or construction office; see section 4.2.
  - k. Child day care facility, up to 6; see section 4.2.

- l. Child day care center (kindergarten), 7 or more.
- m. Clinic, health services.
- n. Contractor office, heavy construction; see section 4.2.
- o. Contractor office, landscape; see section 4.2.
- p. Drive-through facilities; see section 4.2.
- q. Farmer's market, permanent; see section 4.2.
- r. Liquor store (see alcohol outlet); see section 4.2.
- s. Mini-warehouse; see section 4.2.
- t. Office, medical.
- u. Office, professional.
- v. Parking, commercial lot; see section 4.2.
- w. Parking, commercial garage.
- x. Pawn shop, title loan; see section 4.2.
- y. Recreation, indoor.
- z. Recreation, outdoor; see section 4.2.
- aa. Restaurants (accessory to hotel/motel).
- bb. Retail, 5,000 sf or less (with the exception of small box discount stores).
- cc. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- dd. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ee. Shopping center.
- ff. Special events facility.
- gg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- hh. Taxi stand.
- ii. Trade shops.
- 5. Industrial.
  - a. Warehousing or storage.
- 6. Communications—Utility.
  - a. Essential services.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.

- a. Urban, community garden, over 5 acres.
- 2. Institutional/Public.
  - a. School, vocational; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. Cultural facilities.
  - 2. Commercial.
    - a. Alternative energy production.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
    - d. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.

(Ord. of 8-2-2017, § 1(2.28.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

**Sec. 2.28.3. Dimensional requirements.**

Dimensional requirements for the OD (Office-Distribution) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.28.3))

**Sec. 2.28.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.28.4))

***DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT*****Sec. 2.29.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OI (Office-Institutional) District is as follows:

- A. To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the city;
- B. To provide accessory commercial and residential uses to reduce auto dependence;
- C. To provide locations for the development of cultural, recreational, educational and health service facilities for the city;
- D. To promote compatible development, in size and scale, to surrounding development;
- E. To promote campus style developments;
- F. To promote pedestrian oriented compact design;
- G. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.29.1))

**Sec. 2.29.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment.
    - b. Child care home, 5 or less; see section 4.2.



- c. Child care facility, 6 or more; see section 4.2.
  - d. Child day care center.
  - e. Convents or monasteries; see section 4.2.
  - f. Dwelling, multifamily.
  - g. Hotel/motel.
  - h. Live/work unit.
  - i. Nursing care facility or hospice.
  - j. Personal care home, 6 or less; see section 4.2.
  - k. Personal care home, 7 or more; see section 4.2.
3. Institutional/Public.
- a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Hospital or accessory ambulance service.
  - h. Library or museum.
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - j. Places of worship; see section 4.2.
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - l. School, public kindergarten, elementary, middle or high schools.
  - m. School, specialty; see section 4.2.
  - n. School, vocational; see section 4.2.
  - o. Swimming pools, commercial; see section 4.2.
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Automobile or truck rental or leasing facilities; see section 4.2.
  - c. Banks, credit unions or other similar financial institutions.
  - d. Building or construction office; see section 4.2.
  - e. Catering establishments.
  - f. Child day care facility, up to 6; see section 4.2.
  - g. Child day care center (kindergarten), 7 or more.

- h. Clinic, health services.
  - i. Drive-through facilities; see section 4.2.
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - k. Farmer's market, permanent; see section 4.2.
  - l. Fitness center.
  - m. Kidney dialysis center.
  - n. Medical or dental laboratories.
  - o. Office, medical.
  - p. Office, professional.
  - q. Printing or publishing establishments.
  - r. Restaurants (accessory to hotel/motel).
  - s. Restaurant with a drive-thru configuration.
  - t. Special events facility.
  - u. Taxi stand.
  - v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
  - w. Trade shops.
5. Communications—Utility.
- a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.

- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 3. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. New support structure from 50 feet up to 199 feet; see section 4.2
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Dwelling, apartment.
    - b. Fraternity or sorority house.
    - c. Hotel/motel, extended stay.
    - d. Senior housing; see section 4.2.
    - e. Shelter for homeless persons, 7—20; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Transitional housing facilities, 7—20 persons; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
  - 3. Commercial.
    - a. Barber shop/beauty salon or similar establishment.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
  - 4. Industrial.
    - a. Crematoriums; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Barber shop/beauty salon or similar establishments.
    - b. Liquor store (see alcohol outlet); see section 4.2.
    - c. Nightclub or late night establishments; see section 4.2.
    - d. Parking, commercial garage.
    - e. Parking, commercial lot; see section 4.2.
    - f. Personal services establishment.

- g. Restaurants (non drive-thru).
- h. Retail 5,000 sf or less (with the exception of small box discount stores).
- 3. Industrial.
  - a. Recycling collection.
- 4. Communication—Utility.
  - a. Radio or television broadcasting transmission facility.

(Ord. of 8-2-2017, § 1(2.29.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.29.3. Dimensional requirements.**

Dimensional requirements for the OI (Office-Institutional) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.29.3))

### **Sec. 2.29.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.29.4))

## ***DIVISION 30. OIT (OFFICE-INSTITUTIONAL-TRANSITIONAL) DISTRICT***

### **Sec. 2.30.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OIT (Office-Institutional-Transitional) District is as follows:

- A. To provide areas within the city for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;
- B. To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;
- C. To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan in the applicable character areas.

(Ord. of 8-2-2017, § 1(2.30.1); Ord. No. 2021-06-03, § 1(Exh. A, § Z), 8-23-2021)

### Sec. 2.30.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Bed and breakfast establishment.
  - b. Child care home, 5 or less; see section 4.2.
  - c. Child care facility, 6 or more; see section 4.2.
  - d. Child day care center.
  - e. Convents or monasteries; see section 4.2.
  - f. Dwelling, multifamily.
  - g. Hotel/motel.
  - h. Live/work unit.
  - i. Nursing care facility or hospice.
  - j. Personal care home, 6 or less; see section 4.2.
  - k. Personal care home, 7 or more; see section 4.2.
3. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Hospital or accessory ambulance service.
  - h. Library or museum.
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - j. Places of worship; see section 4.2.
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - l. School, public kindergarten, elementary, middle or high schools.
  - m. School, specialty; see section 4.2.
  - n. School, vocational; see section 4.2.

- o. Swimming pools, commercial; see section 4.2.
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Automobile or truck rental or leasing facilities; see section 4.2.
  - c. Banks, credit unions or other similar financial institutions.
  - d. Building or construction office; see section 4.2.
  - e. Catering establishments.
  - f. Child day care facility, up to 6; see section 4.2.
  - g. Child day care center (kindergarten), 7 or more.
  - h. Clinic, health services.
  - i. Drive-through facilities; see section 4.2.
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - k. Farmer's market, permanent; see section 4.2.
  - l. Fitness center.
  - m. Kidney dialysis center.
  - n. Medical or dental laboratories.
  - o. Office, medical.
  - p. Office, professional.
  - q. Printing or publishing establishments.
  - r. Restaurants (accessory to hotel/motel).
  - s. Restaurant with a drive-thru configuration.
  - t. Special events facility.
  - u. Taxi stand.
  - v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
  - w. Trade shops.
5. Communications—Utility.
- a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.

- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  3. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
1. Residential.
    - a. Dwelling, apartment.
    - b. Fraternity or sorority house.
    - c. Hotel/motel, extended stay.
    - d. Senior housing; see section 4.2.
    - e. Shelter for homeless persons, 7—20; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Transitional housing facilities, 7—20 persons; see section 4.2.
  2. Institutional/Public.
    - a. Cultural facilities.
  3. Commercial.
    - a. Barber shop/beauty salon or similar establishment.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
  4. Industrial.
    - a. Crematoriums; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
1. Residential.

- a. Accessory uses or structures.
  - b. Dormitory.
- 2. Commercial.
  - a. Barber shop/beauty salon or similar establishments.
  - b. Liquor store (see alcohol outlet); see section 4.2.
  - c. Nightclub or late night establishments; see section 4.2.
  - d. Parking, commercial garage.
  - e. Parking, commercial lot; see section 4.2.
  - f. Personal services establishment.
  - g. Restaurants (non drive-thru).
  - h. Retail 5,000 sf or less (with the exception of small box discount stores).
- 3. Industrial.
  - a. Recycling collection.
- 4. Communication—Utility.
  - a. Radio or television broadcasting transmission facility.

(Ord. of 8-2-2017, § 1(2.30.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.30.3. Dimensional requirements.**

Dimensional requirements for the OIT (Office-Institutional-Transitional) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.30.3))

### **Sec. 2.30.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.30.4))

## ***DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT***

### **Sec. 2.31.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the M (Light Industrial) District is as follows:

- A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;



- B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;
- C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
- E. To generate employment opportunities and economic development;
- F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;
- G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;
- H. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.31.1))

### **Sec. 2.31.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Dairy.
    - b. Keeping of livestock.
    - c. Keeping of poultry/pigeons.
    - d. Sawmill; temporary or portable.
    - e. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Institutional/Public.
    - a. Colleges, universities, research and training facilities.
    - b. Golf course or clubhouse, public or private; see section 4.2.
    - c. Government facilities.
    - d. Hospital or accessory ambulance service.
    - e. Places of worship; see section 4.2
    - f. Swimming pools, commercial; see section 4.2.
    - g. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Alcohol outlet—package store, primary; see section 4.2.

- c. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
- d. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3(F)); see section 4.2.
- e. Ambulance service or emergency medical services, private.
- f. Animal hospital, veterinary clinic; see section 4.2.
- g. Animal shelter/rescue center; see section 4.2.
- h. Automobile brokerage; see section 4.2.
- i. Automobile recovery and storage.
- j. Automobile service station; see section 4.2.
- k. Automobile or truck rental or leasing facilities; see section 4.2.
- l. Automobile or truck sales; see section 4.2.
- m. Automobile upholstery shop.
- n. Automobile wash/was service; see section 4.2.
- o. Automobile repair, major; see section 4.2.
- p. Automobile repair, minor; see section 4.2.
- q. Banks, credit unions or other similar financial institutions.
- r. Barber shop/beauty salon or similar establishments.
- s. Brewery, craft (micro-brewery).
- t. Brewpub/beer growler.
- u. Building or construction office; see section 4.2.
- v. Catering establishments.
- w. Check cashing establishment, accessory; see section 4.2.
- x. Check cashing establishment, primary; see section 4.2.
- y. Child day care center (kindergarten), 7 or more.
- z. Clinic, health services.
- aa. Club, order or lodge, fraternal, non-commercial.
- bb. Commercial greenhouse or plant nursery; see section 4.2.
- cc. Contractor office, landscape; see section 4.2.
- dd. Distillery (micro-distillery).
- ee. Dog day care; see section 4.2.
- ff. Dog grooming; see section 4.2.
- gg. Drive-in theater; see section 4.2.
- hh. Drive-through facilities; see section 4.2.
- ii. Dry cleaning agencies, pressing establishments or laundry pick-up stations.

- jj. Fairground or amusement park; see section 4.2.
  - kk. Farmer's market, permanent; see section 4.2.
  - ll. Fitness center.
  - mm. Fuel dealers or wholesalers.
  - nn. Heliport; see section 4.2.
  - oo. Kennel, breeding.
  - pp. Kennel, commercial.
  - qq. Kidney dialysis center.
  - rr. Medical or dental laboratories.
  - ss. Landscape business.
  - tt. Liquor store (see alcohol outlet); see section 4.2.
  - uu. Mini-warehouse; see section 4.2.
  - vv. Outdoor storage, commercial; see section 4.2.
  - ww. Parking, commercial lot; see section 4.2.
  - xx. Parking, commercial garage.
  - yy. Pawn shop, title loan; see section 4.2.
  - zz. Personal services establishment.
  - aaa. Printing or publishing establishments.
  - bbb. Recreational vehicle, boat and trailers sales and service.
  - ccc. Restaurants (non drive-thru).
  - ddd. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - eee. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
  - fff. Special events facility.
  - ggg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
  - hhh. Taxi stand.
  - iii. Trade shops.
4. Industrial.
- a. Alternative energy production.
  - b. Building materials or lumber supply establishment.
  - c. Contractor, general.
  - d. Contractor heavy construction, outside storage.
  - e. Contractor, special trade.
  - f. Crematorium; see section 4.2.
  - g. Fabricated metal manufacture without EPD permit required (Light manufacturing).

- h. General aviation airport; see section 4.2.
- i. Heavy equipment repair service or trade.
- j. Industrial, light.
- k. Manufacturing, light.
- l. Outdoor storage, industrial; see section 4.2.
- m. Railroad car classification yards or team truck yards; see section 4.2.
- n. Recovered materials facility wholly within a building; see section 4.2.
- o. Recovered materials processing wholly within a building.
- p. Recycling collection.
- q. Recycling plant.
- r. Research and testing facilities.
- s. Towing or wreckage service.
- t. Transportation equipment storage or maintenance (vehicle); see section 4.2.
- u. Truck stop.
- v. Truck terminal.
- w. Vehicle storage yard.
- x. Warehousing or storage.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.

- f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 3. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. Cultural facilities.
    - b. School, specialty; see section 4.2.
    - c. School, vocational; see section 4.2.
  - 2. Commercial.
    - a. Bus or rail stations or terminals for passengers.
    - b. Fuel pumps; see section 4.2.
    - c. Nightclub or late night establishment; see section 4.2.
    - d. Recreation, outdoor; see section 4.2.
    - e. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
    - b. Service area, outdoor; see section 4.2.
  - 2. Industrial.
    - a. Incidental retail sales of goods produced or processed on the premises.

(Ord. of 8-2-2017, § 1(2.31.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.31.3. Dimensional requirements.**

Dimensional requirements for the M (Light Industrial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.31.3))

### **Sec. 2.31.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.31.4))

**Sec. 2.31.5. Multifamily use provisions for industrial conversion.**

- A. The conversion of industrial buildings to residential use shall be permitted by a special land use permit. The following shall be considered:
1. Whether the building is located on the interior or periphery of an established industrial park or area;
  2. Whether the building or area should no longer be used for industrial uses;
  3. Adequate parking is provided in accordance with article 6 of this chapter, for multifamily or live- work.

(Ord. of 8-2-2017, § 1(2.31.5))

***DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT***

**Sec. 2.32.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the M-2 (Heavy Industrial) District is as follows:

- A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;
- B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;
- C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;
- D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M-2 (Heavy Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;
- F. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.32.1))

**Sec. 2.32.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
1. Agricultural Activities.
    - a. Dairy.
    - b. Livestock sales pavilion; see section 4.2.

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- c. Sawmill; temporary or portable.
  - d. Urban Community Garden, up to 5 acres; see section 4.2.
- 2. Institutional/Public.
  - a. Government facilities.
  - b. Places of worship; see section 4.2.
- 3. Commercial.
  - a. Animal hospital, veterinary clinic; see section 4.2.
  - b. Animal shelter/rescue center; see section 4.2.
  - c. Automobile brokerage; see section 4.2.
  - d. Automobile recovery and storage.
  - e. Automobile service station; see section 4.2.
  - f. Automobile or truck sales; see section 4.2.
  - g. Automobile upholstery shop.
  - h. Automobile repair, major; see section 4.2.
  - i. Automobile repair, minor; see section 4.2.
  - j. Building or construction office; see section 4.2.
  - k. Check cashing establishment, accessory; see section 4.2.
  - l. Contractor office, landscape; see section 4.2.
  - m. Dog day care; see section 4.2.
  - n. Dog grooming; see section 4.2.
  - o. Drive-in theater; see section 4.2.
  - p. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - q. Fairground or amusement park; see section 4.2.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Fuel dealers or wholesalers.
  - u. Heliport; see section 4.2.
  - v. Kennel, breeding.
  - w. Kennel, commercial.
  - x. Medical or dental laboratories.
  - y. Landscape business.
  - z. Mini-warehouse; see section 4.2.
  - aa. Outdoor storage, commercial; see section 4.2.
  - bb. Printing or publishing establishments.

- cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
- dd. Service area, outdoor; see section 4.2.
- ee. Sexually oriented businesses; see section 4.2.
- ff. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- gg. Taxi stand.
- hh. Trade shops.
- 4. Industrial.
  - a. Alternative energy production.
  - b. Brewery, Large scale.
  - c. Contractor, general.
  - d. Contractor heavy construction, outside storage.
  - e. Contractor, special trade.
  - f. Crematorium; see section 4.2.
  - g. Distillery, Large scale.
  - h. Fabricated metal manufacturing without EPD Permit Required (Light Manufacturing).
  - i. General aviation airport; see section 4.2.
  - j. Heavy equipment repair service or trade.
  - k. Industrial, heavy.
  - l. Industrial, light.
  - m. Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal.
  - n. Manufacturing, heavy; see section 4.2.
  - o. Manufacturing, light.
  - p. Manufacturing operations not housed within a building; see section 4.2.
  - q. Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits; see section 4.2.
  - r. Outdoor storage, industrial; see section 4.2.
  - s. Railroad car classification yards or team truck yards; see section 4.2.
  - t. Recovered materials facility wholly within a building; see section 4.2.
  - u. Recovered materials processing wholly within a building.
  - v. Recycling collection.
  - w. Recycling plant.
  - x. Research and testing facilities.
  - y. Salvage yard (junkyard); see section 4.2.
  - z. Storage yard, except vehicle; see section 4.2.
  - aa. Storage yard for vehicles; see section 4.2.



- bb. Towing or wreckage service; see section 4.2.
- cc. Transportation equipment storage or maintenance (vehicle); see section 4.2.
- dd. Truck stop.
- ee. Truck terminal.
- ff. Vehicle storage yard.
- gg. Warehousing or storage.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 3. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. School, specialty; see section 4.2.
    - b. School, vocational; see section 4.2.

- 2. Commercial.
  - a. Bus or rail stations or terminals for passengers.
  - b. Fuel pumps; see section 4.2.
  - c. Nightclub or late night establishment; see section 4.2.
- 3. Industrial.
  - a. Fabricated metal manufacturing with EPD Permit Required (Heavy Manufacturing).
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Industrial.
    - a. Incidental retail sales of goods produced or processed on the premises.

(Ord. of 8-2-2017, § 1(2.32.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.32.3. Dimensional requirements.**

Dimensional requirements for the M-2 (Heavy Industrial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.32.3))

### **Sec. 2.32.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.32.4))

### **Sec. 2.32.5. Reserved.**

Ord. No. 2022-06-01, § 2(Exh. A), adopted August 2, 2022, repealed § 2.32.5, which pertained to solid waste facility/landfill use provisions and derived from Ord. of August 2, 2017, § 1(2.32.5).

## **ARTICLE 3. OVERLAY DISTRICT REGULATIONS**

### ***DIVISION 1. OVERLAY DISTRICTS***

#### **Sec. 3.1.1. Overlay districts generally.**

Overlay districts are supplemental to the zoning district classifications established in article 2 of this chapter. This section shall supersede the applicability statements in each overlay district except as provided in subsection (F) of this section, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.

- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.
- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1); Ord. No. 2021-06-06, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.2. Purpose and intent.**

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.

(Ord. of 8-2-2017, § 1(3.1.2))

### **Sec. 3.1.3. Plan submittal, review and approval.**

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.

- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the ~~director of planning~~ **Community Development Director or his/her designee** a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The plans must clearly state the governing district requirements by which the plans will be reviewed. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.
- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance for the governing district requested by the applicant. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
1. Where the ~~director of planning~~ **Community Development Director or his/her designee** determines that said plans comply with the requirements of the overlay district, the director ~~of planning~~ shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
  2. Where the director ~~of planning~~ determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director ~~of planning~~ shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director ~~of planning~~ within 30 days of receipt of a complete application.
  3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.4. Conceptual plan package review.**

- A. The conceptual plan package shall include the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;
  2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;

3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the ~~director of planning~~ **Community Development Director or his/her designee**. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
  - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
  - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
  - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
  - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
  - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
  - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;
  - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
  - h. Delineation of all existing structures and whether they will be retained or demolished;
  - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
  - j. Height and setback of all existing and proposed buildings and structures;
  - k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
  - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

- m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
  - n. Development density and lot sizes for each type of use;
  - o. Areas to be held in joint ownership, common ownership or control;
  - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
  - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
  - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;
  - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
  - t. Seal and signature of the professional preparing the plan.
5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the ~~director of planning.~~ **Community Development Director or his/her designee.** If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.
  6. Lighting plan. See article 5 of this chapter.
  7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.5. Final design package.**

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color .pdf copies, for review and approval. The final design package must contain a statement of which governing district standards are being applied, full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

(Ord. of 8-2-2017, § 1(3.1.5); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### Sec. 3.1.6. Overlay use table.

Table 3.1 indicates the permitted uses within the overlay 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 this article.

- A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay 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 zoning permit procedures specified in article 7 of this chapter;
  - 4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 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 3.1, below, or interpreted to be allowed by the ~~director of planning~~ **Community Development Director or his/her designee** 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 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative zoning permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If blank, check use table for underlying zoning (Sec. 4.1.3)*  * 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"											
AGRICULTURAL ACTIVITIES											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Sawmill, Temporary or portable			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
Animal Oriented Agriculture											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, apartment	SP	SP		SP							
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P	P	P							✓
Micro Home Community (MHC)	X					X	X	X	X	X	✓
Mobile home park											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
Housing and Lodging											
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	X	P	P	P		✓
Motel	X	X	X	X	X	X	P	P	P		✓
Short term vacation rental											
Nursing care facility or hospice	P	P	P	P							
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						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7—20	SP	SP	SP	P						X	✓
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural facilities	SP	SP	SP	SP	P		P	P	P		
Recreation club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Educational use, private	P	P									✓
School, Private kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Public kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Vocational	P	P	P	P			P	P	P		✓
School, Specialized	P	P	P	P			P	P	P		✓
COMMERCIAL											
Automobile, boat and trailer sales and service											

Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Automobile recovery and storage										X	
Auto mobile emission testing facility	X	X	X	X							
Automobile repair, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓
Recreational vehicle boat and trailer sales and service	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Office											
Building or construction office	P	P	P	P			P	P	P		✓
Office, Heavy Construction contractor	P	P	P	P							✓
Office, Landscape Contractor	P	P	P	P							✓
Office, Professional	P	P	P	P	P		P	P	P		
Recreation and Entertainment											
Sexually oriented business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activitie	P	P	P	P	X		X	X	X		✓
Recreation, [Indoor]	P	P	P	P			P	P	P		
Recreation Outdoor	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet—package store,primary	P	P		SP		X				X	✓
Alcohol outlet—beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Fuel pumps	X	X	X	X	X					X	✓
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Retail, 5,000 sf or less (with the exception of small box discount stores)	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center, with the exception of small box discount stores)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Trade shops	P	P	P	P	P						
Winery/vineyard										P	
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor sales or events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
Restaurant/Food Establishments											
Brewpub/Beer growler	P	P	P	P							
Catering establishments	P	P	P	P							
Food trucks, mobile vending/Food carts											✓
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center—3 or more	P	P	P	P	P						✓
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Check cashing establishment, primary	X	X	X	X		X				X	✓
Check cashing establishment, accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten)—7 or more	P	P	P	P			P	P	P		✓
Child day care facility—up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments, or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		

Landscape business	P	P	P	P							
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Kidney dialysis center	P	P	P	P							
<b>Services, Repair</b>											
Service area, outdoor	Pa	Pa	Pa	Pa							✓
<b>INDUSTRIAL</b>											
Alternative energy production	SP	SP	SP								
Building materials or lumber supply establishment	P	P	P	P							
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Dry cleaning plant											
General aviation airport											✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Incidental retail sales of goods produced or processed on the premises			Pa								
Industrial, heavy											
Industrial, light											
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Manufacturing, light											
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Railroad car classification yards or team truck yards											✓
Recovered materials facility wholly within a building											✓
Recovered materials processing wholly within a building											✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant											
Research and training facilities											
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Self-storage (mini or multi)	X	X	X	X	X	X				X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓
Storage yard, except vehicle											
Storage yard vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service											
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop										X	

Truck Terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P								X	
COMMUNICATION—UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

(Ord. No. 2021-06-06, § 1(Exh. A), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

- CODE OF ORDINANCES  
 Chapter 27 - ZONING ORDINANCE  
 ARTICLE 3. - OVERLAY DISTRICT REGULATIONS  
 DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

## *DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT*

### **Sec. 3.4.1. Title.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.2. Purpose and intent.**

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.3. District boundaries.**

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District" (the "AMCOD overlay maps"). The

Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.4. Applicability of regulations.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **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.
  - 6. Wineries/Vineyards and associated uses (with a Special Land Use Permit).
- B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:
  - 1. Sexually-oriented businesses.
  - 2. Drive-in Theater.
  - 3. Fairground or Amusement Park.
  - 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
  - 5. Coliseum or stadium, except for outdoor Concert Halls.
  - 6. Nightclub or late night establishment.
  - 7. Outdoor storage, mini-warehouses, and storage buildings.
  - 8. Pawn shops.
  - 9. Mortuary or Crematorium.
  - 10. Alcohol Outlets.

11. Salvage yards and junk yards.
12. Motel or Extended Stay Motel.
13. Shelter for homeless persons.
14. Transitional housing facility.
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, boat and trailer sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.
28. Micro Home Community.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

#### **Sec. 3.4.6. Accessory uses and accessory structures.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.7. Lot coverage.**

Except as provided in Sub-Section 3.4.9.A., Conservation communities, lot coverage within the AMCOD shall not exceed 25 percent of net lot area. Net lot area refers to the total area intended to be subdivided as shown on a city approved site plan submitted for a land disturbance permit or preliminary plat, exclusive of the area intended to be dedicated for street or utility rights of way or easements, see definition of net lot area (lot area, net) in Article 9, Definitions.



(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

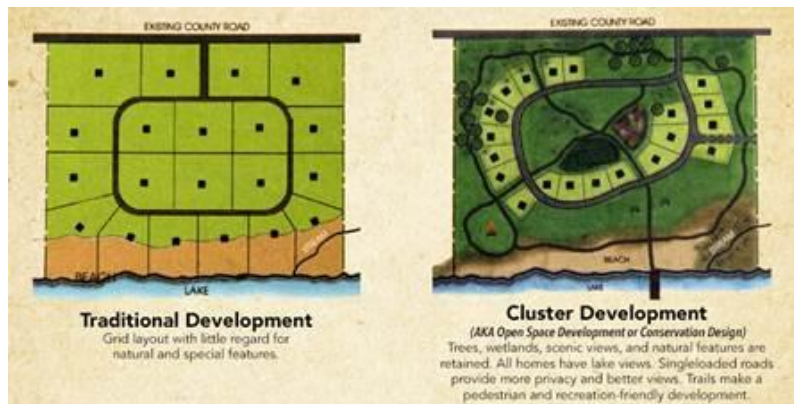
### Sec. 3.4.8. Clearing and grading of lots.

No individual lot as shown on a city approved site plan submitted for a land disturbance permit or preliminary subdivision plat shall be cleared and graded to an extent exceeding 35 percent of the net lot area before subdivision. This does not apply to individual single-family lots as shown on a city approved final subdivision plat, see Sub-Section. 3.4.9.A, Conservation communities.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

### Sec. 3.4.9. Development standards.

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



#### A. Conservation Communities (residential subdivisions).

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

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

The minimum acreage for development is ten (10) acres.

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

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

**Minimum side-yard setback:** Ten (10) feet

*Maximum single-family dwelling lot coverage: 50%*

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

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

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

1. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
2. Dedication of legally described and platted "greenspace" to a land trust.

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

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

*Preliminary Plat Approval*

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

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

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

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

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

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### Sec. 3.4.9.1.a Design standards.

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

1. *Pedestrian Amenities.* All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. *"Build-to" line (i.e. "Building façade line").* The building shall be setback five feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. *Building height.* All new buildings shall be no more than two stories, maximum height 35 feet.
4. *Façade articulation.* Street-facing building façades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
  - a. Major Articulations shall occur at least every 60 feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
  - b. Minor Articulations shall occur approximately every 30 feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. *Entrances.* All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than 60 feet of frontage along sidewalks shall provide one pedestrian entrance for every 60 linear feet of frontage or fraction thereof.

6. *Parking:* Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.

*Cross Access:* In order [to] reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.

7. *Storefront canopies* at least five feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than 12 inches in height and is subject to all other applicable sign requirements of this document.
8. *Building Finish Materials.* Each street-facing building façade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to: wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

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

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

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

- (9) *Lighting.* Building façades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
- (10) *Utility service lines.* Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.
- (11) *Building Numbering.* Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be six inches in height.
- (12) *Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features* shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

**Sec. 3.4.9.2 Height limitation.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.10. Tree removal and replacement.**

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

**Sec. 3.4.11. Protection of steep slopes.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.12. Driveways.**

The ~~director of planning~~ **Community Development Director or his/her designee** is authorized to approve shared driveways for two or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.13. Recording of conservation easements.**

The ~~director of planning~~ **Community Development Director or his/her designee** shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Conservation Overlay District which are made in favor of City of Stonecrest, Georgia.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

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

The ~~director of planning~~ **Community Development Director or his/her designee** shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.15. Lighting.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.16. Density bonus.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.17. Approval of plats where density bonus permitted.**

The ~~director of planning~~ **Community Development Director or his/her designee** is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the ~~director of planning~~ **Community Development Director or his/her designee**.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.18. AMCOD advisory committee.**

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria

contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.19. Residential properties which are not subject to sections 3.4.7 and 3.4.8.**

Section 3.4.7 (lot coverage) and Section 3.4.8 (clearing and grading of lots) shall not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half acre.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

## ***DIVISION 5. STONECREST AREA OVERLAY DISTRICT***

### **Sec. 3.5.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.1); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.2. Applicability of regulations.**

This division applies to each application for a permit for the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Stonecrest Area Overlay District. When the Stonecrest Area Overlay District and the underlying zoning conflict, the Stonecrest Area Overlay District regulations control absent explicit language to the contrary.

(Ord. of 8-2-2017, § 1(3.5.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.3. Statement of purpose and intent.**

The purpose and intent of the city council in establishing the Stonecrest Area Compatible Use Zone Overlay District is as follows:

- A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;
- B. To enhance the long term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;
- C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;

- D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;
- E. To provide a balanced distribution of regional and community commercial and mixed- use office centers;
- F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;
- G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;
- H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;
- I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;
- L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;
- M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
- N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.3); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

#### **Sec. 3.5.4. District boundaries.**

- A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III, IV, V, and VI described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Stonecrest Area Overlay District shall be divided into five [six] development tiers as follows:
  - 1. Tier I: High-Rise Mixed-Use Zone;
  - 2. Tier II: Mid-Rise Mixed-Use Zone;
  - 3. Tier III: Low-Rise Mixed-Use Zone;
  - 4. Tier IV: Transitional Mixed-Use Zone;
  - 5. Tier V: Cluster/Village Mixed-Use Zone ; and



## 6. Tier VI: Viewshed Zone

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

(Ord. of 8-2-2017, § 1(3.5.4); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.5. Open space.

- A. *Open space:* Each lot may provide open space. Open space must be a minimum of 20 percent of the lot. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
- B. *Maintenance and protection of public space.* Each applicant that chooses to provide for public space shall present as a part of the application for a building permit within the Stonecrest Area Overlay District a legal mechanism under which all land to be used for public space purposes shall be protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
  - 1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  - 2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  - 3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
  - 4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;
    - c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    - d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.5.5); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.6. Greenspace requirements.

- A. *Landscape strips.* Landscape strips not less than five feet in width must be provided along all side and rear property lines and on all public streets. The landscape strip along the public street must be a minimum of ten feet in width and must be planted with a row of street trees of at least three and one-half inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover must also be provided in accordance with the design guidelines for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover must consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. Newly planted trees must conform to the design guidelines for the Stonecrest Area Overlay District.
- D. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Greenspace requirements for parking lots:*
  - 1. Greenspace areas are required in all parking lots and must comprise at least five percent of the total lot area of parking lot.
  - 2. In addition, all parking lots must include at least one tree for every 12 parking spaces provided. Tree planting areas may be included in the required greenspace area. Every three inches in caliper, as measured at a height of 36 inches above the ground level, of an existing tree shall count as one newly planted tree.
  - 3. Greenspace areas must be at least 36 square feet in area.
  - 4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
  - 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

(Ord. of 8-2-2017, § 1(3.5.6); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.7. Transitional buffer zone requirements.

Any lot within the Stonecrest Area Overlay District, that is contiguous to any lot outside of the Stonecrest Area Overlay District zoned for a residential use, must maintain a 50 foot transitional buffer zone. The transitional buffer zone cannot contain any structures, impervious surfaces, or water retention ponds and cannot be used for permanent parking, loading, or storage. Trees may not be removed from the transitional buffer zone, other than dead, decayed, dying, or hazardous trees. Additional trees and plant material may be added to the transitional buffer zone.

(Ord. of 8-2-2017, § 1(3.5.7); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.8. Street standards.

Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets must comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:

- A. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at 11 feet in width, measured inside curb and gutter.
- B. Private or public alleys are permitted to provide secondary or service access within developments consisting of at least four buildings. An alley must provide a continuous connection between two streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
  - 1. No alley shall be longer than 400 feet;
  - 2. No alley shall have a slope greater than seven percent;
  - 3. The paved width of an alley must be at least 12 feet;
  - 4. Alleys must be constructed with flush curbs;
  - 5. Alleys must have seven-foot-wide unobstructed shoulders constructed of grass sod or gravel on both sides; and
  - 6. Buildings must be set back at least ten feet from the back curb of an alley.

(Ord. of 8-2-2017, § 1(3.5.8); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.9. Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the ~~director of planning~~ **Community Development Director or his/her designee** determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.5.9); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.10. Streetlights.

When necessary for the use and convenience of the occupants or users of a development, streetlights are required and shall conform to the design guidelines for the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.10); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.11. Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or duplex residential units.

(Ord. of 8-2-2017, § 1(3.5.11); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.12. Multi-modal access plans required.

Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan prepared at a scale not greater than one-inch equals 100 feet. The multi-modal access plan must cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths must be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways must be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan must show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet of the subject property, the access plan must show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.5.12); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Micro Home Community.
5. Outdoor amusement services facilities.
6. Outdoor storage.
7. Farm equipment and supplies sales establishment.
8. Repair, small household appliance.
9. Hotel/motel.
10. Automobile sales.
11. Flea Markets
12. Automobile title loan establishments.
13. Pawn shops.

14. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building
  15. Salvage yards.
  16. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - b. All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - c. Storage units may not be used for commercial, residential or industrial uses.
  17. Gasoline service stations.
  18. Automobile repair and maintenance, major.
  19. Automobile and truck rental and leasing.
  20. Commercial parking lots.
  21. Automobile wash/wax service.
  22. Check cashing facility.
  23. Automobile emission testing facilities.
  24. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Open space, clubhouse or pool amenity area.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.
- F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

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

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

- H. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.
- I. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.

(Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

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

- A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Storage yards.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor storage.
  6. Farm equipment and supplies sales establishment.
  7. Repair, small household appliance.

8. Hotel/motel.
  9. Automobile sales.
  10. Flea Markets
  11. Automobile title loan establishments.
  12. Pawn shops.
  13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building.
  14. Salvage yards.
  15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - Storage units may not be used for commercial, residential or industrial uses.
  16. Automobile repair and maintenance, major and minor.
  17. Gasoline service stations.
  18. Automobile and truck rental and leasing.
  19. Commercial parking lots.
  20. Automobile wash/wax service.
  21. Late-night establishments
  22. Nightclubs.
  23. Check cashing facility.
  24. Automobile emission testing facilities.
  25. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Open space, clubhouse or pool amenity area.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.

- F. *Density*: No development in Tier II may exceed a FAR of two and one half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density*: In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

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

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

- H. *Required parking*. Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one and one-quarter spaces per dwelling unit.
- I. *[Parking.]* Parking space area requirements must comply with the provisions of Section 6.1.3.
- J. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.  
(Ord. of 8-2-2017, § 1(3.5.14); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019)

### **Sec. 3.5.15. Low-rise mixed-use zone (Tier III).**

- A. *Permitted uses and structures*. The principal uses of land and structures allowed in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District except those listed in B., below.
- B. *Prohibited uses*. The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Junkyard.



3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor amusement service facility.
  6. Outdoor storage.
  7. Automobile repair, major and minor.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs.
  14. Late-night establishments.
  15. Car wash.
  16. Self-storage.
  17. Funeral home.
  18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Repair, small household appliance.
  22. Salvage yard.
  23. Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.
  24. Commercial parking lot.
  25. Check cashing facility.
  26. Automobile emission testing facilities.
  27. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Clubhouses, including meeting rooms or recreation rooms.
  4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- D. *Building setbacks.* The following building setback requirements shall apply to all structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Minimum front yard setback: 15 feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of 25 feet from rights-of-way.
  2. Minimum interior side yard: Ten feet. There shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between any two buildings and structures when one of them is greater than two stories in height.
  3. Minimum rear yard: Ten feet.
- E. *Height of buildings and structures.* Maximum height, three stories
- F. *Density:* No development in Tier III may exceed 30 dwelling units per acre and a combined FAR of one and a half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three.

**Table 3.3 Bonus FAR: Tier III**

<b>Additional Amenity</b>	<b>Increased FAR</b>
Increase public space to 25 percent while providing connectivity	0.5
Increase public space to 30 percent while providing connectivity	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use may constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking is intended to serve. The minimum number of required parking spaces must be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one-half spaces per dwelling unit.
- I. *Parking space area requirements.* Parking space area requirements must comply with the provisions of section 6.1.3.
- J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.
- K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in Tier III of the Stonecrest Overlay District only if they comply with the following requirements:
- New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three acres, and must contain at least 6,000 square feet of building floor space.

New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security fencing abutting such public right-of-way. Within three years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.

New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.

No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

(Ord. of 8-2-2017, § 1(3.5.15); Ord. No. 2018-12-01, § 1(3.5.15), 12-1-2018; Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § I, 11-25-2019)

### **Sec. 3.5.15.1. Transitional mixed use zone (Tier IV).**

- A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. This tier provides an economic balance to the other Stonecrest Area Compatible Use Overlay District development categories which focus more on retail uses.
- B. *Mixed use requirements.* All properties in Tier IV which are proposed for new development shall comply with the minimum requirements of this mixed use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier IV shall contain a minimum of two principal uses and any residential use shall not exceed 70 percent of the total floor area. The mixed use development may be combined vertically or horizontally in one or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.
- C. *Permitted principal uses and structures.* The principal uses of land and structures which are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
  1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, OCR (Office-Commercial-Residential) District, and RM-HD (High Density Residential) District except those listed in B., below.
 

Single-family attached detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier IV: Transitional Mixed-Use Zone:
  1. Kennels.
  2. Tire retreading and recapping.
  3. Sexually oriented businesses.
  4. Outdoor amusement services facilities.
  5. Outdoor storage.

6. Farm equipment and supplies sales establishments.
  7. Repair, small household appliance.
  8. Hotel/motels.
  9. Automobile title loan establishments.
  10. Pawn shops.
  11. Liquor stores.
  12. Salvage yards.
  13. Automobile repair and maintenance, major.
  14. Automobile wash/wax service.
  15. Nightclubs.
  16. Late-night establishments.
  17. Check cashing facility.
  18. Automobile emission testing facilities.
  19. Car wash, self-service.
  20. Self-storage.
  21. Funeral home.
  22. Crematorium.
  23. Mortuary.
  24. Small box discount stores.
- E. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier IV: Transitional Mixed-Use Zone:
- a. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  - b. Open space, clubhouse or pool amenity area.
  - c. Parking lots and decks.
  - d. Signs, in accordance with the provisions of chapter 21 and this chapter.
- F. *Mixed-use developments:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the public street frontage.
    - a. Minimum lot area: One acre.
  2. *Setback requirements.*
    1. *Front yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, and other project site amenities.
    2. *Side yard.* Minimum of zero feet and a maximum of 20feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
    3. *Rear yard.* Minimum of 20 feet.

4. *Interior side yard.* Minimum of zero feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of 20 feet.
- G. *Single-family detached units:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots must have at least 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
  2. *Setback requirements.*
    - a. *Front yard.* Minimum of ten feet and a maximum of 20 feet.
    - b. *Side yard.* Minimum of ten feet.
    - c. *Interior side yard.* Minimum of five feet.
    - d. *Rear yard.* Minimum of 30 feet.
- H. *Single-family attached units:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots must have at least 30 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 3,000 square feet. Maximum of eight units or 240 feet.
  2. *Setback requirements:*
    - a. *Front yard:* Minimum of five feet and a maximum of 20 feet.
    - b. *Side yard:* Minimum often feet between buildings.
    - c. *Rear yard:* Minimum often feet.
    - d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than 60 feet apart. Structures which are side face to side face shall not be less than 20 feet apart. Structures which are side face to front face or back face shall be not less than 40 feet apart.
- I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five stories or 75 feet. Buildings in excess of three stories must be approved by the ~~director of planning~~ **Community Development Director or his/her designee** to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of 35 feet and shall not exceed two stories.
- J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density not exceeding 30 dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half.
1. *Density bonus.* The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three if one or more of the additional amenities is provided as described in the table below:

**Table 3.4 Bonus FAR: Tier IV**

<b>Additional Amenity</b>	<b>Increased FAR</b>
Increase public space to 25 percent while providing interparcel access for pedestrians and vehicles.	0.5

Increase public space to 30 percent while providing interparcel access for pedestrians and vehicles.	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- K. **Required parking.** Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building the parking is intended to serve. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations for the lot except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one-half spaces per dwelling unit.
  5. Parking space area requirements shall comply with the provisions of section 6.1.3.
  6. Single-family detached residential dwelling units shall have two spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of 20 feet.
- L. **Sidewalks.** Sidewalks must be at least five feet in width and must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.1); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019)

### **Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).**

- A. **Statement of purpose and intent.** The primary intent of Tier Vis to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.
- B. **Permitted principal uses and structures.** All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:
1. Adult day center.
  2. Bed and breakfast.

3. Child day care facility.
  4. Assembly hall.
  5. Cultural facility.
  6. Detached single-family dwelling.
  7. Office uses.
  8. Personal care facility.
  9. Place of worship.
  10. Retail, excluding drive-through facilities, gas and service stations, commercial amusements, liquor stores, package store, video arcades, pool halls, and small box discount stores.
  11. Office/medical.
  12. Personal services establishment.
- C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Open space, clubhouse or pool amenity area.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:
1. Kennels.
  2. Junkyard.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Go-cart concession.
  6. Outdoor storage.
  7. Automobile repair, major.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs
  14. Late-night establishments.
  15. Automobile wash, self service.
  16. Self-storage.
  17. Funeral home.

18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Multifamily dwelling unit.
- E. *Lot width, lot area and setbacks.*
1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 15,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* 35 feet.
      - ii. *Side yard.* 35 feet.
      - iii. *Rear yard.* 40 feet.
      - iv. *Interior side yard.* Ten feet.
  2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.
      - ii. *Side yard.* 15 feet.
      - iii. *Rear yard.* 20 feet.
      - iv. *Interior side yard.* Five feet.
  3. Reserved.
  4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.
    - a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.
    - b. Single-use structures must be a maximum of 10,000 square feet.
    - c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.
- F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.
- G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:



1. Residential, single-family detached: Minimum of two spaces.
  2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  4. Parking space area requirements must comply with the provisions of section 6.1.3.
- H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 3.5.15.3. Viewshed zone (Tier VI).**

- A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.
- B. *Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.
- C. *Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Viewshed Zone:
1. Sexually oriented businesses.
  2. Pawn shops.
  3. Package stores.
  4. Check cashing facility.
  5. Micro Home Community.
- E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI shall be governed by the underlying zoning district.
- F. *Height of buildings and structures.* The height of buildings and structures on property within Tier VI shall be governed by the underlying zoning district.
- G. *Required parking.* The minimum number of required parking spaces of property in Tier VI shall be governed by the underlying zoning district.
- H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### Sec. 3.5.16. Shared parking.

Shared parking is encouraged and may be authorized by the ~~director of planning~~ **Community Development Director or his/her designee**. Applicants may make application to the ~~director of planning~~ **Community Development Director or his/her designee** for authorization for a special exception for shared parking. Said applications shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** pursuant to the standards and procedures set forth in section 7.6.5.

(Ord. of 8-2-2017, § 1(3.5.16); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.17. Permits for uses.

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3.

(Ord. of 8-2-2017, § 1(3.5.17); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.18. Design guidelines.

The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall apply to all uses and structures within the Stonecrest Overlay District and shall be maintained by the ~~planning director~~ **Community Development Director or his/her designee** and available for public inspection. The design guidelines provide acceptable minimum standards to guide design and development within this overlay district. The ~~planning director~~ **Community Development Director or his/her designee** is authorized to create, administer, and amend design guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture, and grating criteria. These guidelines shall be used to promote proper design criteria and shall guide the ~~planning director~~ **Community Development Director or his/her designee** in deciding whether a proposed design complies with the requirements of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.18); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.19. Plans required; certificates of compliance.

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit to the ~~director of planning~~ **Community Development Director or his/her designee** an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Stonecrest Overlay District and the underlying zoning classification.
- B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the City of Stonecrest City Council.
- C. *Review.* The ~~director of planning~~ **Community Development Director or his/her designee** shall review each application for compliance with all requirements of the Stonecrest Overlay District and the underlying zoning classification. Where the ~~director~~ **Community Development Director or his/her designee** determines that said plans comply with the requirements of the Stonecrest Overlay District a certificate of compliance shall be issued in the form of the ~~director or the director's designee~~ **Community Development Director or his/her designee** signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the ~~director~~ **Community Development Director or his/her designee**

determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the ~~director of planning-~~ **Community Development Director or his/her designee** within 30 days of receipt of a complete application. Any appeal of the ~~director of planning's~~ **Community Development Director or his/her designee** decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.5.19); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.20. Conceptual plan package review.**

A. The conceptual plan package must be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1.;
2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required; and
3. A multi-modal access plan meeting the requirements of section 3.5.12.

B. The plan to be submitted in the conceptual plan package must contain the following information:

1. Six copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches by 36 inches, and 8 and ½-inch by 11-inch reduction of the plan. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plan must contain the following information:
  - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
  - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
  - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
  - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest.
  - f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
  - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
  - h. A delineation of all existing structures and whether they will be retained or demolished.

- i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
- j. Height and setback of all buildings and structures.
- k. Approximate areas and development density for each type of proposed use.
- l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Stonecrest Area Overlay District.
- u. Seal and signature of professional preparing the plan.

(Ord. of 8-2-2017, § 1(3.5.20); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### ***DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT***

#### **Sec. 3.33.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1.

(Ord. of 8-2-2017, § 1(3.33.1))

#### **Sec. 3.33.2. Applicability of regulations.**

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

(Ord. of 8-2-2017, § 1(3.33.2))

### **Sec. 3.33.3. Statement of purpose and intent.**

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

- A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;
- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;
- C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;
- D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create pedestrian oriented communities in which people can live, work and play;
- E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;
- F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;
- G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;
- H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;
- I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;
- J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;
- K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;
- L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
- M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;

- P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;
- Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

(Ord. of 8-2-2017, § 1(3.33.3))

#### **Sec. 3.33.4. District boundaries and maps.**

- A. The I-20 Corridor Overlay District shall be comprised of the following six areas that are centered along the roadways that intersect with Interstate 20: The Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.
- B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the "I-20 Corridor overlay maps"). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.
- C. The I-20 Corridor Overlay District shall be divided into three tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.
  - Tier 1.* High-intensity area focused around the four activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one parcel to decrease the need for vehicular trips. The maximum height shall be up to 20 stories and 60 dwelling units/acre.
  - Tier 2.* Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight stories and allows for up to 40 dwelling units per acre.
  - Tier 3.* Low-intensity area which provides for a transition from the higher-intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four stories and allows up to 40 dwelling units per acre.
- D. The ~~planning and development director~~ **Community Development Director or his/her designee** shall be the final authority to determine whether any property is located within the boundaries of this section.

(Ord. of 8-2-2017, § 1(3.33.4))

#### **Sec. 3.33.5. Principal uses and structures.**

The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional)

District, O-D (Office-Distribution) District, M (Industrial) and any RM (Multifamily Residential) District shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

- A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.
- B. Art gallery and art supply store.
- C. Automobile services as follows:
  - 1. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
  - 2. Automobile parts and tire stores.
- D. Bank, credit union and other similar financial institution.
- E. Business service establishment.
- F. Child daycare center and kindergarten.
- G. Communications uses as follows:
  - 1. Radio and television broadcasting station.
- H. Community facilities as follows:
  - 1. Cultural facilities.
  - 2. Noncommercial club or lodge.
- I. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.
- J. Educational uses as follows:
  - 1. Vocational schools.
  - 2. Private schools, elementary, middle or high.
  - 3. Public school, elementary, middle or high
  - 4. Specialized non-degree schools to include ballet, music, martial arts, etc.
- K. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building. Nightclubs are permitted only in Tier 1 (maximum 10,000 square feet in floor area), subject to approval of the ~~planning and development director~~ **Community Development Director or his/her designee** and business license requirements.
- L. Office uses,
- M. Place of worship.
- N. Restaurants.
- O. Retail sales
- P. Retail building supplies as follows:
  - 1. Electrical supply store.
  - 2. Hardware and other building materials establishments.
  - 3. Paint, glass and wallpaper store.

Q. Services, medical and health as follows:

1. Health service clinic.
2. Medical and dental laboratories.
3. Offices of health service practitioners.
4. Pharmacy and drugstore.
5. Private ambulance and emergency medical services.

R. Services, personal, as follows:

1. Barber shop, beauty shop, and similar personal service establishments.
2. Laundry and dry-cleaning store.
3. Funeral home.
4. Linen and diaper service, garment pressing, alteration and repair.
5. Photographic studios.

S. Services, repair,

T. Shopping center.

U. Taxi stand and taxi dispatching office.

V. Tennis center, club and facilities.

W. Fitness center and health center.

X. Hotel.

(Ord. of 8-2-2017, § 1(3.33.5); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 3.33.6. Prohibited uses.**

A. The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

1. Boarding and breeding kennels as a primary use.
2. Storage yard for damaged automobiles or confiscated automobiles.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Micro Home Community.
6. Go-cart concession.
7. Outdoor equipment and materials storage.
8. Heavy repair shop and trade shop.
9. Extended stay motels.
10. Used cars sales as a primary use.
11. Temporary and/or seasonal outdoor sales.



12. Title and pawn shops.
13. Liquor stores.
14. Night clubs excluded in Tiers 2 and 3.
15. Salvage yards/junkyards.
16. Automobile, wash/Wax.
17. Self-storage.
18. Small box discount stores.

(Ord. of 8-2-2017, § 1(3.33.6); Ord. No. 2019-11-05, § II, 11-25-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 3.33.7. Accessory uses and structures.**

The following accessory uses of land and structures shall be authorized in the I-20 Corridor Compatible Use Overlay District:

- A. Accessory uses and structures incidental to any authorized use.
- B. Parking lots and parking garages.
- C. Club house, including meeting room or recreation room.
- D. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- E. Signs, in accordance with the provisions of chapter 21 and this chapter.

(Ord. of 8-2-2017, § 1(3.33.7))

### **Sec. 3.33.8. Special permits.**

The following uses and structures shall be authorized only by permits of the type indicated:

- A. Special administrative permit from the ~~director of planning and development~~ **Community Development Director or his/her designee** as referenced in section 4.2.21, commercial recreation and entertainment:
  1. Art shows, carnival rides, festivals and special events of community interest.
  2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed 14 days duration, adequate parking is provided on the site.
  3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.51.
  4. Outdoor recreation/entertainment facilities.
- B. Special land use permit from the city council:
  1. Heliport.

(Ord. of 8-2-2017, § 1(3.33.8))

### Sec. 3.33.9. Development standards.

The following requirements shall apply to all structures in the I-20 Corridor Overlay District:

A. *Building setbacks.* The following requirements apply:

1. *Minimum front yard setback.* Zero feet from right-of-way of public street where the distance between the back of curb and property line is 15 feet in width or greater.
2. *Minimum interior Side yard:* Ten feet. In mixed-use developments there shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between buildings and structures when one of them is greater than two stories in height, and a minimum of 25 feet between buildings when one of them is greater than five stories in height.
3. *Minimum Rear yard:* Ten feet.

B. *Height of building and structures.* All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three development categories. The height restrictions are as follows:

*Tier 1.* Buildings and structures shall not exceed 20 stories.

*Tier 2.* Buildings and structures shall not exceed eight stories.

*Tier 3.* Buildings and structures shall not exceed four stories.

A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit. A parking deck may exceed five stories in height; however, a parking deck shall not exceed ten stories either as a separate deck structure or as part of an office building.

- C. *Density.* No development shall exceed a floor-area ratio (FAR) of 3 ½, unless it also provides additional public space or other amenities singly, or in combination as provided in section D. below.
- D. *Density bonus.* The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of 5½ in exchange for one or more of the additional amenities provided in the table below:

Table 3.9. Maximum Bonus Floor Area Ratio in Interstate 20 Corridor Compatible Use Overlay

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development.	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land, and constructed in the same building with office-institutional, commercial and retail uses.	0.5

- E. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located with 700 feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 6 of this chapter, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of 1¼ spaces per dwelling unit.

(Ord. of 8-2-2017, § 1(3.33.9))

### **Sec. 3.33.10. Open space requirements.**

- A. A minimum of 20 percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
- B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.
- C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the 20 percent open space requirement.
- D. Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the 20 percent requirement.
- E. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- F. Each applicant shall present as a part of the application for a building permit within the I-20 Corridor Overlay District a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as ensuring each of the following mandatory requirements:
  1. That all subsequent property owners within said I-20 Corridor Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
  4. When an applicant for an I-20 Corridor Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A. of this section, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;

- c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
- d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.33.10))

### **Sec. 3.33.11. Transitional buffer zone and transitional height requirements.**

- A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than 30 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Water detention ponds shall not be located within the transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.
- B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional height plane of 45 degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties through the use of staggered heights, greater setbacks, and enhanced buffers. Building heights in excess of 35 feet shall increase setbacks from the buffer line at a ratio of one to one.

(Ord. of 8-2-2017, § 1(3.33.11))

### **Sec. 3.33.12. Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within the I-20 Corridor Overlay District. The architectural style within the I-20 Corridor Overlay Districts shall be governed by the I-20 Corridor Design Standards.

- A. All building facades visible from the public street shall consist of concrete, stone, brick or stucco.
- B. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
- C. Seventy-five percent of the width of the front facade of the building at the ground level shall consist of fenestration.
- D. Roof materials shall not consist of any reflective surface.
- E. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be non-primary colors, including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.
- F. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
- G. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.

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- H. Chain link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.
- I. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- J. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

(Ord. of 8-2-2017, § 1(3.33.12))

### **Sec. 3.33.13. Landscaping requirements.**

The following landscaping regulations shall apply to all uses within the I-20 Corridor Overlay District, with the exception of mixed-use developments. Such developments shall require the submittal of a landscape plan for approval.

- A. *Landscape strips.* Any landscape strip shown as part of final design package shall not be less than five feet in width and shall be provided along all side and rear property lines. The landscape strip in the front yard shall be a minimum of ten feet in width and shall be planted with a row of street trees of at least 3½ inches in caliper selected from the list of street trees species identified in the design standards for the I-20 Corridor Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. *New trees.* Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.
- D. *Tree spacing.* No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Parking lot landscaping requirements.* All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

(Ord. of 8-2-2017, § 1(3.33.13))

### **Sec. 3.33.14. Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts.**

- A. *Sidewalk requirement.* There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five feet from the curb and shall be ten feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the ~~director of planning and development~~ **Community Development Director or his/her designee** may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.
- B. *Street tree planting.* Street trees of a caliper that is not less than three inches shall be planted no less than 30 feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:

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1. Crape myrtle, standard trunk.
  2. October glory red maple.
  3. Sunset maple.
  4. Nuttall oak (*Quercus nattalli*).
  5. Shumard oak (*Quercus shumardii*).
  6. Willow oak.
  7. Zelkova serrata.
  8. Ginkgo (*Ginkgo biloba*).
  9. Trident maple (*Acer buergeranum*).
  10. Allee lacebark elm (*Ulmus parvifolia emer* (II)).
- C. *Maintenance of trees and ground cover.* All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.
- D. *Curb cuts.* There shall be a minimum distance of 25 feet between curb cuts. Curb cuts shall not be permitted within 100 feet of the intersection of any two public streets and shall not be more than 24 feet wide.
- (Ord. of 8-2-2017, § 1(3.33.14))

### **Sec. 3.33.15. Underground utilities.**

All utilities except for major electric transmission lines and substations are required to be placed underground except where the ~~director of development~~ **Community Development Director or his/her designee** determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.33.15))

### **Sec. 3.33.16. Streetlights and street furnishings.**

Streetlights and furnishings are required for all public streets and shall conform to the design guidelines for the I-20 Corridor Area Overlay District.

(Ord. of 8-2-2017, § 1(3.33.16))

### **Sec. 3.33.17. Street and interparcel access.**

Streets within the I-20 Corridor Area Overlay District may be either public or private streets. Private streets shall comply with the requirements of public streets found in chapter 14 and all other applicable sections of the Code. To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential development. Where necessary, the City of Stonecrest may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

(Ord. of 8-2-2017, § 1(3.33.17))

### **Sec. 3.33.18. Multimodal access plans required.**

Each new application for a development permit within the I-20 Corridor Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than one inch equals 100 feet. The multi-modal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on wall sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalk, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.33.18))

### **Sec. 3.33.19. Sign regulations.**

All lots in the I-20 Corridor Overlay District shall comply with all requirements of chapter 21 subject to the following additional regulations:

- A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;
- B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;
- C. Each lot shall have no more than one ground sign;
- D. The sign area of ground signs shall not exceed 32 square feet, unless the lot contains a shopping center, in which case ground signs are limited to 64 square feet;
- E. Ground signs shall not exceed a height of six feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of 15 feet;
- F. Each separate store front may have a maximum of two wall signs, each of which shall not exceed an area of ten percent of the area of the facade of the ground floor of the building or 75 square feet, whichever is less;
- G. Wall signs shall be located on the primary building facade and within 15 feet of the public right-of-way;
- H. Window signs are prohibited;
- I. Banners are prohibited;
- J. Wall-mounted signs shall be channel cut letters applied directly to the building facade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
- K. Sign shape and lettering shall be limited as follows:
  - 1. Signs with more than two faces are prohibited;
  - 2. Sign facing shall be flat in profile and shall not exceed a thickness of eight inches;

3. Sign faces shall be parallel;
  4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed 18 inches in height; and
  5. Sign lettering shall be of an opaque material.
- L. Any violation of this section shall be punishable by fine not exceeding \$500.00 or imprisoned for a term not to exceed six months, or both.

(Ord. of 8-2-2017, § 1(3.33.19))

### **Sec. 3.33.20. Shared parking.**

Shared parking is encouraged and may be authorized by the ~~director of planning and development~~ **Community Development Director or his/her designee**. Parking facilities within the parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours. Applicants may make an application to the ~~director of planning and development~~ **Community Development Director or his/her designee** for authorization for a special exception for shared parking.

(Ord. of 8-2-2017, § 1(3.33.20))

### **Sec. 3.33.21. Design guidelines.**

The ~~planning director or designee~~ **Community Development Director or his/her designee** is authorized to create, administer, and amend design standards for the I-20 Corridor Compatible Use Overlay District. These standards shall provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These standards shall be used to promote proper design criteria for the overlay district and shall guide the ~~planning director~~ **Community Development Director or his/her designee** in deciding whether a proposed design complies with the requirements of this overlay district. The design standards are hereby made a part of this division and shall be amended from time to time.

(Ord. of 8-2-2017, § 1(3.33.21))

### **Sec. 3.33.22. Plans required; certificates of compliance.**

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the ~~director of planning and development~~ **Community Development Director or his/her designee**. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all landscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this I-20 Corridor Overlay District and the underlying zoning classification.
- B. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.33.22))



### Sec. 3.33.23. Conceptual plan package review.

- A. The conceptual plan package shall be composed of the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1;
  2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and
  3. A multi-modal access plan meeting the requirements of section 3.33.18.
- B. The plan to be submitted in the conceptual plan package shall contain the following information:
1. Ten copies of a site plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8 ½-inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
    - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
    - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
    - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
    - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
    - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Stonecrest.
    - f. The delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act.
    - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
    - h. A delineation of all existing structures and whether they will be retained or demolished.
    - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
    - j. Height and setback of all buildings and structures.
    - k. Approximate areas and development density for each type of proposed use.
    - l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.

- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the I-20 Corridor Area Overlay District.
- t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.
- u. Seal and signature of the professional preparing the site plan.

(Ord. of 8-2-2017, § 1(3.33.23))

#### **Sec. 3.33.24. Final design package review and approval process.**

- A. *Review, approval of final design package.* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this I-20 Corridor Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
- B. *Review.* The ~~director of planning~~ **Community Development Director or his/her designee** shall review each application for compliance with all requirements of the I-20 Corridor Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the I-20 Corridor Overlay District, a certificate of compliance shall be issued in the form of the ~~director or the director's designee~~ **Community Development Director or his/her designee** signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the ~~director~~ **Community Development Director or his/her designee** determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** within 30 days of receipt of a complete application. Any appeal of the ~~director of planning's~~ **Community Development Director or his/her designee** decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.33.24))

### **Sec. 3.33.25. Final approval of plans.**

Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the ~~planning and development director~~ **Community Development Director or his/her designee**, consistent with the I-20 Corridor Overlay District requirements.

By enacting the I-20 overlay, the City Council authorizes the ~~planning and development department director~~ **Community Development Director or his/her designee** to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

(Ord. of 8-2-2017, § 1(3.33.25))

## **ARTICLE 4. USE REGULATIONS**

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

#### **Sec. 4.1.1. Overview.**

- A. *General Overview.* The regulations contained within this article 4 of this chapter shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.
- B. *General Findings and Purpose.* Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.
- C. *Findings and Purpose for Certain Land Uses.* National studies show that a concentration of certain land uses, including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops, negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County, by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

(Ord. of 8-2-2017, § 1(4.1.1))

#### **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~~ **Community Development Director or his/her designee** shall have the authority to permit the use if the use is similar to uses permitted by this article. The ~~director of planning~~ **Community Development Director or his/her designee** 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.

(Ord. of 8-2-2017, § 1(4.1.2))

### 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 zoning 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~~ **Community Development Director or his/her designee** 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.
- D. Prohibited uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.
  - Distillation of bones or glue manufacture.
  - Dry cleaning plant.
  - Dye works.
  - Explosive manufacture or storage.
  - Fat rendering or fertilizer manufacture.
  - Fuel manufacture.
  - Incineration of garbage or refuse.
  - Landfills.
  - Paper or pulp manufacture.
  - Petroleum or inflammable liquids production/refining.
  - Radioactive materials storage and processing.
  - Rubber or plastics manufacture.
  - Disposal or storage of hazardous/toxic solid waste, including the application of thermal treatment technology.

Smelting copper, iron, zinc or ore.

Sugar refineries.

Tire retreading or recapping.

Table 4.1. Use Table

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative zoning permit from Community Development Director SP - Special land use permit (SLUP) *Blank = not permitted														
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
AGRICULTURAL																									
Agriculture and Forestry																									
Sawmill, Temporary or portable	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Winery and vineyard			SP																						✓
Animal Oriented Agriculture																									
Dairy	P																		P	P					✓
Keeping of livestock	P	P	P	P	P							P							P						✓
Keeping of poultry/pigeons	P	P	P	P	P							P							P						✓
Livestock sales pavilion	P																			P					✓
Riding academies or stables	P	P	P	P	P																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, apartment										P			SP										P	P	
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa				Pa	Pa	Pa	Pa	✓
Dwelling, cottage home						P	P	P	P	P		P													✓
Dwelling, mobile home											P														✓
Dwelling, multi-family								P	P	P			P								P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
High-rise apartment										P			SP										P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family							P	P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓

Live/work unit								P	P	P			P	P		P	P				P	P	P	P	✓
Micro home community (MHC)										P											P		P	P	✓
Mobile home park											P														
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast establishment	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Boarding/Rooming house								SP	P	P															
Child care home, 5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child care facility, 6 or more													P	P	SP	P	P				SP	SP	SP	SP	✓
Child day care center													P	P	P	P	P				P	P	P	P	
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa			Pa	Pa	Pa	Pa	
Fraternity house or sorority house								SP	P	P			SP									P	P		
Hotel	P	SP	X	X	X	X	P	P	P		✓														
Motel	X	X	X	X	X	X	P	P	P		✓														
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P	
Party house	SA	SA																							
Personal care home, 7 or more							SP	SP	SP	SP			P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, group, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	SP	P	P								✓
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓
Short term vacation rental	SP	SP	SP					SP													SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Animal exhibition, indoor																	SP	SP							
Animal exhibition, outdoor																	SP	SP							
Aquarium/indoor/outdoor exhibition																	SP	SP							
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P							✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P					SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary													P	P		P	P				P	P	P	P	



Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P						✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P									P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P					✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
Education																									
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Educational use, private	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
School Private kindergarten, elementary, middle or high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
School, Public kindergarten, elementary, middle or high	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P	P	P	P	
School, Specialized													P	P		P	P	P	SP	SP	P	P	P	P	✓
School, Vocational								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									
Automobile brokerage																P	P		P	P					✓
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓
Automobile recovery and storage																			P	P					✓
Automobile repair, major																	P		P	P					✓
Automobile repair, minor																P	P		P	P					✓
Automobile sales or truck sales																P	P		P	P					✓
Automobile service stations																SP	SP	SP		P	P				✓
Automobile upholstery shop																	P		P	P					
Automobile wash/wax service																P	P		P						✓
Recreational vehicle, boat and trailer sales and service																P	P		P						✓
Service area, outdoor																	Pa		Pa	Pa					✓

Office																									
Building or construction office,								Pa	Pa	Pa			P	P		P	P	P	P	P					✓
Contractor office, heavy construction																P	P	P	P						✓
Contractor office, landscape																P	P	P	P						✓
Office, Professional								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Office, Medical								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																									
Sexually oriented business																			P						✓
Drive-in theater																P		P	P						✓
Fairground or amusement park																P		P	P						✓
Food trucks, mobile vending/food carts	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA			SA			SA	SA	SA	SA	SA					✓
Nightclub or late night establishments													Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓
Recreation, Indoor recreation															P	P	P	P	P	P	P	P	P	P	
Recreation, Outdoor	SP															P	P	SP							✓
Special events facility	SP												P	P		P	P	P	P		P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P	
Retail																									
Alcohol outlet—package store, primary																SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet—beer and/or wine store, beer growler, primary															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Commercial greenhouse or plant nursery															P	P	P		P		P				✓
Drive-through facilities													P		P	P	P	P	P		SP	SP	SP	SP	✓
Farmer's market, permanent													P	P	P	P	P	P	P	P	P	P	P	P	✓
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Fuel dealers, manufacturers or wholesalers																	P		P	P					
Fuel pumps														SP	SP	SP	SP	SP	SP	SP					✓

Fuel pumps, accessory to large scale retail w/in 1,000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa						✓
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓
Pawn shop, title loan																	P	P							✓
Retail, 5,000 sf or less (with the exception of small box discount stores)								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (with the exception of small box discount stores)															P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P	
Shopping center															P	P	P	P			P	P	P	P	
Trade shops													P	P		P	P	P	P	P					
Temporary Commercial Uses																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Eating and Drinking establishments																									
Brewpub/Beer growler															P	P	P		P		P	P	P	P	
Brewpub/Beer growler, accessory															P	P	P		P		P	P	P	P	
Brewery, craft																P	P		P		SP	SP	SP	SP	✓
Brewery, Craft (micro-brewery)															P	P			P		SU	SU	SU	SU	✓
Distillery, craft																P	P		P		SP	SP	SP	SP	✓
Brewery, Large scale																				P					
Distillery, Large scale																				P					
Catering establishments													P	P		P	P		P		P	P	P	P	
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration													P	P		SP	SP		SP						✓
Transportation and Storage																									
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P			SP	SP	✓

Parking, commercial lot														Pa			P	P	P	P	P	P	P	P	✓	
Parking, commercial garage														Pa			P	P	P	P		P	P	P		
Taxi, ambulance or limousine service, dispatching or storage.																		P	P	P	P				✓	
Taxi stand														P	P	P	P	P	P	P	P	P	P	P		
Services																										
Adult day care center—3 or more														P	P	P	P	P	P				P	P	P	✓
Animal hospitals, veterinary clinic																P	P	P	P	P	P	P			✓	
Animal shelter/rescue center	SP																	P	P	P	P				✓	
Banks, credit unions or other similar financial institutions									Pa	Pa	Pa			P	P	P	P	P		P		P	P	P		
Barber shop/beauty salon or similar establishments									Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary																		P							✓	
Check cashing establishment, accessory																	P	P				P	P	P	P	✓
Child day care center (Kindergarten)—7 or more									P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P	P				P	P	P	✓
Coin laundry									Pa	Pa	Pa		Pa			P	P	P					P	P	P	
Dog day care									SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓
Dog grooming									Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations									Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P	
Kennel, breeding	SP															Pa	Pa	P		P	P				✓	
Kennel, commercial	SP																P	P		P	P					
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																	P	P		P	P					
Mini-warehouse															SP		P	P	P	P	P				✓	
Outdoor storage, commercial																		P		P	P				✓	
Personal services establishment									Pa	Pa	P		Pa	Pa	Pa	P	P	P				P	P	P	P	
Printing or Publishing establishments														P	P			P		P	P					
Services, Medical and Health																										
Ambulance service or emergency medical services, private																	P	P		P						
Clinic, Health services														P	P	P	P	P	P		P	P	P	P		
Kidney dialysis center														P	P		P	P		P		P	P	P		

Medical or dental laboratories														P	P		P	P		P	P			SA	SA	
Service area, outdoor																	Pa		Pa	P						✓
INDUSTRIAL																										
Alternative energy production																		SP	P	P						
Building materials or lumber supply establishment																	P		P							
Contractor, general (See also Building or Construction Office)																	P		P	P		P	P			✓
Contractor, heavy construction, outside storage																	P		P	P						✓
Contractor, special trade																	P		P	P						
Crematoriums																	SP		SP	SP		P	P			✓
Distillery, Large-scale																					P					
Fabricated metal manufacture, no EDP permit required																			P	P						
Fabricated metal manufacture, EPD permit required																				SP						
General aviation airport																			SP	SP						✓
Heavy equipment repair service or trade																	P		P	P						
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa						
Industrial, heavy																				P						
Industrial, light																			P	P						
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P						
Manufacturing, light																			P	P						
Manufacturing, heavy																				P						✓
Manufacturing operations not housed within a building																				P						✓
Mines or mining operations, quarries, gravel pits or soil pits																				P						✓
Mines or mining operations, Asphalt plant																			SP	SP						
Outdoor storage, industrial																			P	P						✓
Railroad car classification yards or team truck yards																			P	P						✓

Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Research testing laboratories																			P	P					
Salvage yard (Junkyard)																			P					✓	
Self-storage, mini													SP					SP	P	P					✓
Self-storage, multi													SP					SP	P	P					✓
Storage yard, except vehicle																				P					✓
Storage yard for vehicles																				P					✓
Towing or wreckage service																			P	P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓
Truck stop																			P	P					
Vehicle storage yard																			P	P					
Warehousing or storage																		P	P	P					
SOLAR ENERGY SYSTEMS																									
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P					✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓
COMMUNICATION—UTILITY																									
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														✓
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	
Radio or television broadcasting transmission facility													Pa				P		P	P					
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	✓
WIRELESS TELECOMMUNICATION (cell tower)																									
New support structure from 51 feet to 150 feet residential districts	SP	SP	SP	SP	SP	SP	SP																		✓
New support structure from 51 feet up to 199 feet in non-residential districts													SA	SP	SP	SA	SA	SA	SA	SA					✓

Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2018-09-02, § 1, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019; Ord. No. 2019-11-05, § III, 11-25-2019; Ord. No. 2021-06-03, § 1(Exh. A, § AA), (Att. 2), 8-23-2021; Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-03, § 1(Exh. A), 1-10-2022; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 4. - USE REGULATIONS  
**DIVISION** 2. SUPPLEMENTAL USE REGULATIONS

## *DIVISION 2. SUPPLEMENTAL USE REGULATIONS*

### **Sec. 4.2.1. Accessory buildings, structures, and uses.**

Accessory buildings, structures and uses determined by the ~~director~~ **Community Development Director or his/her designee** to be normally incidental to one or more permitted principal uses are hereby permitted as follows:

- A. Accessory structures allowed in all residential districts may include, but are not limited to, garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.
- B. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

(Ord. of 8-2-2017, § 1(4.2.1))

### **Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.**

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. Yard and setbacks.
  - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard:
  - 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
  - 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
  - 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
  - 5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.



- D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

Table 4.2. Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. of 8-2-2017, § 1(4.2.2))

**Sec. 4.2.3. Accessory dwelling unit, guesthouse, in-law suite.**

- A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
  - 1. Attached (addition to existing building);
  - 2. Detached; or
  - 3. Within existing house (renovations to basements, wings or attics converted into separate living unit).
- B. The heated floor area of a dwelling unit shall not include the square footage of the garage.
- C. Attached and detached accessory dwelling units are permitted by right, subject to the following:
  - 1. The minimum lot size shall be 10,000 square feet.
  - 2. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.

3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
5. Only one accessory dwelling unit of any type shall be permitted on a lot.
6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the ~~director of planning~~ **Community Development Director or his/her designee** showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
7. Any detached accessory dwelling unit shall be located in the Rear yard:
8. A second kitchen facility may be constructed and used within a single-family residence.
9. Paved off-street parking shall be provided for one additional vehicle.
10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

(Ord. of 8-2-2017, § 1(4.2.3))

#### **Sec. 4.2.4. Reserved.**

Ord. No. 2022-05-01, § 1(Exh. A), adopted May 23, 2022, repealed § 4.2.4, which pertained to adult daycare center (seven or more clients) and derived from Ord. of August 2, 2017, § 1(4.2.4).

#### **Sec. 4.2.5. Adult day center (three or more clients).**

Each adult day center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each adult day center shall provide off-street parking spaces as required by the applicable zoning district.
- C. No adult day center shall be located within 1,000 feet of another adult day center.
- D. No adult day center may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
  1. Permit application. Persons seeking to operate an adult day center in the city must file a permit application with the planning ~~and zoning department division~~. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult day center will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning ~~and zoning department division~~ may require clarification or additional

information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.

2. Notwithstanding the above provisions, if a proposed adult day center is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

(Ord. of 8-2-2017, § 1(4.2.5); Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022)

#### **Sec. 4.2.6. Sexually oriented businesses.**

- A. *Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B. *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloona Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food and Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (*per curiam*); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food and Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (fourth Cir. 2010); *LLEH, Inc.*

v. *Wichita County*, 289 F.3d 358 (fifth Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); 84 *Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *HandA Land Corp. v. City of Kennedale*, 480 F.3d 336 (fifth Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (fifth Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (fifth Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Goldrush II v. City of Marietta*, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime and Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois - 2011—2012*; *Manatee County, Florida - 2007*; *Hillsborough County, Florida - 2006*; *Clarksville, Indiana - 2009*; *El Paso, Texas - 2008*; *Memphis, Tennessee - 2006*; *New Albany, Indiana - 2009*; *Louisville, Kentucky - 2004*; *Fulton County, GA - 2001*; *Chattanooga, Tennessee - 1999—2003*; *Jackson County, Missouri - 2008*; *Ft. Worth, Texas - 2004*; *Kennedale, Texas - 2005*; *Greensboro, North Carolina - 2003*; *Dallas, Texas - 1997*; *Houston, Texas - 1997, 1983*; *Phoenix, Arizona - 1995—1998, 1979*; *Tucson, Arizona - 1990*; *Spokane, Washington - 2001*; *St. Cloud, Minnesota - 1994*; *Austin, Texas - 1986*; *Indianapolis, Indiana - 1984*; *Garden Grove, California - 1991*; *Los Angeles, California - 1977*; *Whittier, California - 1978*; *Oklahoma City, Oklahoma - 1986*; *New York, New York Times Square - 1994*; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas - 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the city council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented

businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

- C. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
- D. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

(Ord. of 8-2-2017, § 1(4.2.6))

#### **Sec. 4.2.7. Agriculture and forestry.**

- A. *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, and shall provide a minimum of four off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, section 4.3.1.
- B. *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than 100 feet from any adjoining property that is zoned for residential use.
- C. *Dairies.* Notwithstanding subsection E. of this section, any structure used for housing or processing of dairy cows shall be set back not less than 200 feet from property lines, and all dairy cows shall be kept at least 100 feet from property lines.
- D. *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than 50 feet from property zoned or used for residential purposes.
- E. *Livestock.*
1. Livestock regulations apply to animals over 12 months of age.
  2. Livestock shall only be permitted on a lot containing two or more acres, and there shall be no more than two animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three animals per fenced acre for sheep or goats.

3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than 100 feet from any property line.
  4. Dwarf livestock may be kept at up to two per 50 square feet of fenced area, with no minimum lot size, except lots less than 10,000 square feet shall be limited to a total of three dwarf livestock animals.
  5. Structures for housing dwarf livestock shall be setback not less than ten feet from any property line.
  6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
  7. A structure providing at least 100 square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least 25 square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three square feet per animal.
  8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
  9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
  10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 6 of this chapter.
  11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
  12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
  13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.
- F. *Livestock sales pavilion or abattoirs.* Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least 100 feet from any property line. All animals to be processed shall be fenced at least 100 feet from any property zoned or used for residential purposes.
- G. *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten acres. Any structure that houses animals used as part of the riding stable shall be located at least 100 feet from any property line. All animals shall be fenced at least 20 feet from any property line.
- H. *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than 500 feet from any residential structure other than the owner's.
- I. *Keeping of chickens, pigeons.*
1. The minimum fenced yard area for chickens shall be 25 square feet per hen.
  2. Chickens and pigeons must be housed at least 20 feet from any property line, and 50 feet from any residence other than the owner's.
  3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.
  4. The minimum lot size for the keeping of chickens or pigeons is 10,000 square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.

5. No roosters are allowed.
6. The maximum number of hens shall be one hen per 2,000 square feet of lot size.
7. Each coop shall have at least four square feet of floor space per chicken over four months old. For Bantams, a variety defined as miniature, each coop shall have one square foot of floor area per chicken over four months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.
9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

J. *Beekeeping.*

1. No more than two apiary colonies are allowed per one-quarter acre.
2. Apiary colonies must be setback from all property lines a minimum of ten feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

(Ord. of 8-2-2017, § 1(4.2.7))

**Sec. 4.2.8. Alcohol outlets, retail, package liquor store.**

- A. Package stores shall not be located:
1. Within 1,000 feet of an existing package store or alcohol outlet;
  2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
  3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
1. Within 600 feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
  2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps require a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.8); Ord. No. 2021-06-05, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.9. Amateur radio service antenna structure.**

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 70 feet. Amateur radio service antenna structures in single-family residential districts exceeding 70 feet in height shall be permitted only by special land use permit subject to all of the requirements of section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

(Ord. of 8-2-2017, § 1(4.2.9))

#### **Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.**

- (a) All employees of any licensed establishment must hold an employee permit, unless otherwise exempt under this chapter. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.
- (b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.
- (c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.
- (d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.
- (e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.
- (f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.



- (g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. of 8-2-2017, § 1(4.2.10); Ord. No. 2017-10-04, § 1(4.2.10), 10-16-2017)

#### **Sec. 4.2.11. Animal care facilities.**

##### **A. Animal hospitals and veterinary clinics.**

1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least 100 feet from any property zoned or used for residential purposes.
2. When located within a shopping center, the use shall be adequately soundproofed and odor-proofed so as not to create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment;
4. Outside runs or kennels are prohibited.

##### **B. Animal shelter, four or more.**

1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned for residential use.
2. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.
3. No animal shelter shall be located within 500 feet of a residential district.
4. Outside pens must be located a minimum of 75 feet from any stream.

##### **C. *Pet grooming shops.*** Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least 100 feet from any property zoned or used for residential purposes.

##### **D. *Pet daycare.*** Any building or enclosed structure for the housing of animals associated with a pet daycare use shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.

##### **E. *Kennels, commercial boarding and breeding kennels.*** All kennels shall comply with the following:

1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least 100 feet from any property line and at least 200 feet from property zoned for residential use.
2. Kennels shall be located on a site of not less than two acres.
3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight feet in height.
5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.

- F. *Household pets.* Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three household pets on each lot which is two acres or less in size. On any lot exceeding two acres in size, a person may keep one additional household pet for each additional acre above two acres up to a maximum of ten household pets. Litters of animals of not more than six months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.
- a. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.
  - b. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.
  - c. Outdoor Animal Exhibitions shall only be allowed in the Conservation/Open Space Character Area and on properties within the Arabia Mountain Conservation Overlay District.
  - d. The Outdoor Animal Exhibition use shall be added to Table 3.1 Overlay Use Table under the Recreation and Entertainment Land Use section of Chapter 27 Zoning Ordinance Article 3. Overlay District Regulations for the Arabia Mountain Conservation Overlay District as a use subject to Mayor and Council approval of a Special Land Use Permit.
- G. *Indoor animal exhibitions.* 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.
  4. Provide written permission from the owner or property manager of the building to be occupied as an indoor Animal Exhibition to the City.
  5. Display a copy of all required valid licenses and permits in a prominent place on premises.
  6. Be licensed and comply with all rules and regulations for a "Licensed Class C—Exhibitor" under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of "USDA Animal Care - Animal Welfare Act and Animal Welfare Regulations" (aka the USDA Blue Book).  
<https://www.aphis.usda.gov/animal-welfare/downloads/bluebook-ac-awa.pdf>.  
  
All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or nonrenewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.
  7. Comply with the Georgia Department of Agriculture Animal Health Division regulations as established in the Rules and Regulations of the State of GA Chapter 40-13.
  8. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of nonnative species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
  9. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.

10. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).
  11. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.
  12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 - Animals.
  13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and Statutes :: US Law :: Justia
  14. Comply with the National Association of State Public Health Veterinarians (NASPHV) standards for protection of human health.
  15. The proposed animal exhibition use shall only be allowed in the character areas identified as compatible with the use, and only within specified zoning districts that are found in one of those character areas. The following parameters shall control the location of the exhibitions:
    - a. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.
    - b. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.
    - c. Outdoor Animal Exhibitions shall only be allowed in the Conservation/Open Space Character Area and on properties within the Arabia Mountain Conservation Overlay District.
    - d. The Outdoor Animal Exhibition use shall be added to Table 3.1 Overlay Use Table under the Recreation and Entertainment Land Use section of Chapter 27 Zoning Ordinance Article 3. Overlay District Regulations for the Arabia Mountain Conservation Overlay District as a use subject to Mayor and Council approval of a Special Land Use Permit.
- H. *Outdoor animal exhibitions.* As relates to Outdoor Animal Exhibitions, such use shall comply with paragraphs 1. through 15. directly above and the following additional regulations:
1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 a.m. and 8:00 p.m.
  2. No building that houses animals, or enclosure that confines animals, shall be placed less than 100 feet from a common property boundary with a residential use or a residential zoning district.

(Ord. of 8-2-2017, § 1(4.2.11); Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023)

#### **Sec. 4.2.12. Antennas, satellite dishes, television receivers.**

- A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.
- B. Antennas, satellite dishes, or other television transmission receivers located in a nonresidential zoned district are prohibited in any yard which adjoins a residential zoned district.

- C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

(Ord. of 8-2-2017, § 1(4.2.12))

#### **Sec. 4.2.13. Automobile wash service, principal, accessory, detail or mobile.**

- A. Automobile wash services shall provide a paved area with capacity to store five vehicles waiting to use automatic carwash facilities, and two vehicles per bay for self-service car washes.
- B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
- C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
- D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
  2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
  3. The car wash structure shall be located behind the rear building line of the principal building,

(Ord. of 8-2-2017, § 1(4.2.13))

#### **Sec. 4.2.14. Automotive sales and service; boat, trailer sales and service.**

- A. *Automobile and truck sales.* Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one acre in area.
- B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:
- (1) Upon the minor redevelopment of existing buildings or structures, as defined in section 27-8.1.16, that also requires a land development permit or building permit, the ~~director of his designee~~ **Community Development Director or his/her designee** may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
  - (2) Shops shall not be permitted on property located within 300 feet of any property used for a school, park, playground or hospital.
  - (3) All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For the purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

- (4) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six feet in height.
  - (5) Outdoor displays of merchandise shall be prohibited beyond ten feet from the primary building and shall only be displayed during business hours.
  - (6) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
  - (7) New facilities must be designed with automobile bays facing away from the primary street frontage.
  - (8) Junk vehicles shall not be stored on the property.
  - (9) All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.
  - (10) No automobile sales or curbside stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
  - (11) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- C. *Automobile repair and maintenance establishments, minor.* Minor automobile repair and maintenance establishments shall meet the following:
- (1) Upon the minor redevelopment of existing structures or buildings, as defined by section 27-8.1.16, that also requires a land development permit or building permit, the ~~director~~ **Community Development Director or his/her designee** or his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.
  - (2) Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
  - (3) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six feet in height).
  - (4) Outdoor displays of merchandise shall be prohibited beyond ten feet from the building and shall only be displayed during business hours.
  - (5) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
  - (6) New facilities must be designed with automobile bays facing away from the primary street frontage.
  - (7) Junk cars shall not be stored on the property.
  - (8) No automobile sales or curbside storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
  - (9) All parking located in front of the primary building shall be limited to customers seeking service only.
- D. *Automobile service stations, including gas sales.* Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.29.
- E. *Automobile, truck and trailer lease and rental.* Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way.

The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. All parking areas shall be clearly marked and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one acre in area.

- F. *Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center.* Where the lease and rental of automobiles, trucks and trailers is a use which is an accessory use, the following requirements shall apply:
  - 1. The lot on which the inventory vehicles are parked shall be no less than one acre in area.
  - 2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or Rear yard:
- G. Any work on vehicles conducted outdoors shall only be permitted in the rear yard, but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.
- H. Boat and boat trailer sales. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
- I. Retail automobile parts and tire stores. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
  - 1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
  - 2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
  - 3. Major automobile repair shall not be permitted in connection with these uses.
  - 4. Outside display of merchandise shall not extend into the parking lot.
- J. *Trailer and RV salesrooms and sales lots.* All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
- K. Automobile recovery, storage yards for damaged or confiscated automobiles. The following provisions shall apply to storage yards for damaged or confiscated automobiles:
  - 1. The use shall be enclosed by a fence or wall which is not less than eight feet in height which provides visual screening.
  - 2. No dismantling, repair or other similar activity shall be conducted on the premises.
  - 3. The use shall be located at least 1,000 feet from any residential district or use.
  - 4. Automobiles shall not be stored longer than provided by state and city law.

(Ord. of 8-2-2017, § 1(4.2.14))

#### **Sec. 4.2.15. Bed and breakfast inn and home stay.**

- A. The following applies to all bed and breakfast establishments:
  - 1. The operator of the establishment shall reside on-site.
  - 2. The use shall require a building permit and approval of the fire department.

3. Rooms to be let may not be equipped with cooking facilities.
  4. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
  5. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
  6. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the ~~director of planning.~~ **Community Development Director or his/her designee.**
- B. In addition to the requirements in subsection A. of this section, the following requirements apply to home stay bed and breakfast establishments:
1. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one off-street parking space for each bedroom used as a part of the home stay bed and breakfast residence.
  2. No signs or advertising are permitted to identify or advertise the existence of the home stay bed and breakfast residence beyond those otherwise allowed for residential property.
  3. No individual other than the owner or an employee shall stay for longer than seven consecutive days.

(Ord. of 8-2-2017, § 1(4.2.15))

#### **Sec. 4.2.16. Building and construction office, landscape contractors.**

The following standards shall be required for building and construction offices and landscape contractor offices:

- A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six feet in height.
- B. Parking of vehicles shall be located in the side or rear yard only.

(Ord. of 8-2-2017, § 1(4.2.16))

#### **Sec. 4.2.17. Cemetery, columbarium, mausoleum, as principal use.**

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.42, places of worship.

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

(Ord. of 8-2-2017, § 1(4.2.17))

**Sec. 4.2.18. Check cashing.**

The following provisions shall apply to all check cashing facilities:

- A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within 1,000 feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor facade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.
- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

(Ord. of 8-2-2017, § 1(4.2.18))

**Sec. 4.2.19. Child daycare facility (up to six children), or child daycare center (seven or more children).**

Each child daycare facility and child daycare center shall be subject to the following requirements. A child daycare facility or center may also be a kindergarten or preschool.

- A. Each child daycare facility and child daycare center shall comply with all applicable state daycare requirements for standards, licensing and inspection. A City of Stonecrest business license is required.
- B. Prior to the issuance of a business license for a child daycare facility or child daycare center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child daycare facility and child daycare center shall provide off-street parking spaces as required by the applicable zoning district. Each child daycare center shall provide an adequate turnaround on the site.
- C. The exterior appearance of any child daycare facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).
- D. No child daycare facility shall be located within 1,000 feet of another child daycare facility.
- E. See also additional approval criteria in article 7 of this chapter, administration.

(Ord. of 8-2-2017, § 1(4.2.19))

**Sec. 4.2.20. Coliseum, stadium, amphitheater.**

The following provisions apply to coliseums, stadiums and amphitheaters:



- A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the Planning ~~Zoning department~~ **and division.**
- B. All structures shall be located and all activities shall take place no less than 100 feet from any property line adjacent to a residential district or use.

(Ord. of 8-2-2017, § 1(4.2.20))

#### **Sec. 4.2.21. Commercial recreation and entertainment.**

- A. *Drive-in theaters.* The following provisions shall apply to drive-in theaters:
  - 1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than 50 feet from any property line.
  - 2. Driving and parking areas shall be paved.
  - 3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
  - 4. Central loudspeakers shall be prohibited.
  - 5. The theater screen shall not be visible from any freeway or thoroughfare.
  - 6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot-high screening fence.
  - 7. The property shall have a minimum buffer area ten feet in width surrounding the portion of the property used for drive-in theater purposes.
- B. *Fairgrounds and amusement parks.* The following provisions shall apply to fairgrounds and amusement parks:
  - 1. All buildings and structures associated with such uses shall be set back not less than 200 feet from any property line.
  - 2. Such uses shall not be permitted within 500 feet of a residential district.
  - 3. Such facilities shall be enclosed by a six-foot screening fence.
- C. *Golf driving ranges and batting cage facilities.* The following provisions shall apply to golf driving ranges and batting cage facilities:
  - 1. Such uses shall be enclosed by a six-foot-high screening fence or a 25-foot-wide buffer to screen adjacent property.
  - 2. Central loudspeakers shall be prohibited.
  - 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- D. *Miniature golf courses.* The following provisions shall apply to miniature golf courses:
  - 1. Such uses shall be enclosed by a six-foot-high screening fence and a buffer ten feet in width to screen adjacent property.
  - 2. Central loudspeakers shall be prohibited.
  - 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

- E. *Golf courses.* The following provisions shall apply to golf courses:
1. Except for emergency purposes, loudspeakers shall be prohibited.
  2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- F. *Recreation grounds, fishing lakes and other related facilities.* The following provisions shall apply to recreation grounds and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- G. *Tennis centers, clubs and facilities.* The following provisions shall apply to tennis centers, clubs and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide planted buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- H. *Go-cart concessions.* The following provisions shall apply to outdoor go-cart concessions:
1. All buildings and structures associated with such use shall be set back not less than 200 feet from any property line.
  2. Such use shall not be permitted within 500 feet of the boundary of a residential district.
  3. Such use shall be enclosed by a six-foot-high masonry wall.
  4. The motor size of any cart used shall not exceed five horsepower.
  5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed 40,000 square feet.
  6. Central loudspeakers shall be prohibited.
- I. Other outdoor recreation shall meet the standards provided in subsection G. of this section.
- (Ord. of 8-2-2017, § 1(4.2.21))

#### **Sec. 4.2.22. Crematories.**

Crematory use shall be located at least 100 feet from the property line of any property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(4.2.22))

#### **Sec. 4.2.23. Drive-through facility, restaurant.**

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
- B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.
- C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
  - a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
  - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
  - c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
  - d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.
  - e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
  - f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.
  - g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:
    - i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.
    - ii. Facility is accessible only through interparcel access or through a shared driveway.

- iii. Facility is part of a major redevelopment, as defined in section 27-8.1.16.
  - h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.
- (Ord. of 8-2-2017, § 1(4.2.23))

#### **Sec. 4.2.24. Dwellings; cottage, mobile home, townhouse, urban single-family, and condominium.**

- A. *Cottage.* Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.
- B. *Mobile home or manufactured home.* When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only, and may not be used for commercial purposes.
- C. *Townhouse and urban single-family (U-SF).* Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.
- D. *Condominium standards.* If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** with the application for development approval.

(Ord. of 8-2-2017, § 1(4.2.24))

#### **Sec. 4.2.25. Emission stations.**

Emission stations shall be setback no less than 35 feet from the public right-of-way. A metal building may be used if it has a brick base at least three feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.

(Ord. of 8-2-2017, § 1(4.2.25))

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

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 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); Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023)

#### **Sec. 4.2.27. Farmers markets, temporary seasonal.**

Temporary or seasonal farmers markets must obtain a special administrative zoning permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

- A. The operator of a farmers market shall obtain a business license from City of Stonecrest prior to opening the farmers market.
- B. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
- C. Displayed inventory of the products sold may include:
  - 1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
  - 2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
  - 3. All other items may not be displayed and sold.
- D. At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

- E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.
- F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.
- G. Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.
- H. Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.
- I. Parking. Two parking spaces per vendor shall be provided on-site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.
- J. Access to public toilet facilities shall be provided to customers.
- K. Farmers markets must obtain a special administrative zoning permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:
  - 1. Name and current address of the applicant.
  - 2. A notarized letter signed by the property owners or authorized property manager or agent, consenting to the placement of the farmers market on the property.
  - 3. A site plan drawn to-scale showing:
    - a. Property lines, street curbs, street names, adjacent sidewalks as applicable.
    - b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
    - c. Location of on-site and off-site parking spaces.
    - d. Any other documents or information requested and deemed by the ~~director of planning~~ **Community Development Director or his/her designee** as applicable to the specific application.

(Ord. of 8-2-2017, § 1(4.2.27); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 4.2.28. Fuel pumps, accessory.**

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the ~~director~~ **Community Development Director or his/her designee** may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
  - (1) All associated light fixtures shall be directed away from surrounding residential neighborhoods.

- (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
  - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
  - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
  - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
  - (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
  - (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
  - (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
  - (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
  - (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.
- D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations must meet the following criteria:
1. Facility is located within 100 feet of an intersection of a major arterial street and a major or minor arterial street, or located within 500 feet of an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.
  2. Facility is accessible via direct or secondary access to two roads.
  3. Facility includes at least 5,000 square feet of retail space.
  4. No more than two facilities may be located at any given intersection.
  5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.
- E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.
- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.
- G. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.
- H. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

- I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

(Ord. of 8-2-2017, § 1(4.2.28); Ord. No. 2021-06-05, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.29. Heavy industrial uses.**

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

- A. Submit within the letter of application the following details:
  - 1. Specific operations to be performed.
  - 2. Hours of operation.
  - 3. Whether operations will be indoors or outdoors.
  - 4. How long materials will be stored on the property.
  - 5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
  - 6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
  - 7. How many employees there will be.
  - 8. Whether the operation will be open to the public.
  - 9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
  - 10. Whether the proposed use requires the submittal of a development of regional impact (DRI).
- B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
- C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
- D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
  - 1. Any use requiring a solid waste handling permit.
  - 2. Any use which utilizes burning, melting, or degasification.
  - 3. Any use which involves the emissions of particulate matter.
  - 4. Any use which processes or stores hazardous materials.
- E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.



- F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
- G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
- H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

(Ord. of 8-2-2017, § 1(4.2.29); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 4.2.30. Heliport, general aviation airport.**

Heliports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

(Ord. of 8-2-2017, § 1(4.2.30))

#### **Sec. 4.2.31. Home occupations and private educational uses.**

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the ~~director of planning and zoning.~~  
Community Development Director or his/her designee.
  - 1. The owner/operator of the business must reside on the premise.
  - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
  - 1. Customer contact is allowed for Type II home occupations.
  - 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
  - 1. There shall be no exterior evidence of the home occupation.
  - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
  - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  - 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.

5. No more than one business vehicle per home occupation is allowed.
  6. No home occupation shall be operated so as to create or cause a nuisance.
  7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
  8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
  - E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31); Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.32. Late-night establishments and night clubs.**

- A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.
- B. Late-night establishments and nightclubs shall be subject to all of the following standards:
  1. Parking facilities within a lot may be shared in accordance with article 6 of this chapter, parking.
  2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
  3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning ~~and zoning department~~ division.
  4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
- C. No late night establishment or night club boundary line shall be located within 1,500 feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
- D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:
  1. From the property line of the land upon which the late-night establishment or nightclub is located;
  2. To the property line of the land which is zoned for a residential use;
  3. Along a straight line which describes the shortest distance between the two property lines (i.e., "as the crow flies").
- E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use, as defined in

article 9 of this chapter. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated.

(Ord. of 8-2-2017, § 1(4.2.32))

#### **Sec. 4.2.33. Live-work.**

A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

A. Live-work units shall meet all of the following standards:

1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a nonresidential district, permitted uses shall be limited to those uses allowed in that district.
3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
4. A live-work unit will be subject to all applicable licenses and business taxes.
5. See also article 5 of this chapter for additional design requirements, including section 5.7.7.

(Ord. of 8-2-2017, § 1(4.2.33))

#### **Sec. 4.2.34. Mines, mining, quarries, gravel pits, borrow pits, and sand pits.**

The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article 7 of this chapter, administration for additional approval criteria.

A. The following provisions apply to removal or extraction of dirt, sand and soil:

1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
2. The use shall not be established within 1,000 feet of a residential zoning district or use nor within 300 feet of any other use.

3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.
- B. Quarry and mining. The following provisions apply to the use of any parcel of land for a quarry, mine or mining operation:
1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the ~~director of planning~~ **Community Development Director or his/her designee**.
  2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the ~~director of planning~~ **Community Development Director or his/her designee**.
  3. A blasting limit of two inches per second peak particle velocity, as measured from any of three mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
  4. An air blast limit of 128 decibels (linear-peak), measured at off-site residential buildings, shall not be exceeded.
  5. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."
- C. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the ~~director~~ **Community Development Director or his/her designee** a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(4.2.34))

#### **Sec. 4.2.35. Mini-warehouses.**

- A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RVs, etc., and shall only be allowed in side and rear yards.
- B. Storage units may not be used for the following uses: The operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
- C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
- D. Buffer standards in article 5 of this chapter shall apply.
- E. Exterior lighting for a mini-warehouse facility shall project inward and downward, and shall not spillover to adjacent properties.

(Ord. of 8-2-2017, § 1(4.2.35))

#### **Sec. 4.2.36. Moving buildings, requirements.**

No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 27 of the Code and is first approved by the ~~director of planning.~~ Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(4.2.36))

#### **Sec. 4.2.37. Outdoor display and seating.**

This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3 of this article, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:

- A. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.
- B. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
- C. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- D. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
- E. Outdoor displays of tires shall be within ten feet of the building.
- F. Outdoor displays shall be permitted in any yard, but shall not encroach into any public rights-of-way.
- G. Outdoor displays shall present a neat and orderly appearance.
- H. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
- I. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
- J. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

(Ord. of 8-2-2017, § 1(4.2.37))

#### **Sec. 4.2.38. Outdoor storage of materials, supplies, equipment or vehicles.**

The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-dealerships; salvage yards; junkyards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

- A. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
  - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
  - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
  - 3. The materials stored must be for use by the owner and not displayed for sale to third parties.
  - 4. Fleet vehicles associated with the operation of the business are exempt from these requirements.
- B. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:
  - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
  - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
  - 3. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
  - 4. Fleet vehicles associated with the operation of a business are exempt from these requirements.
- C. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following are expressly prohibited:
  - 1. Indoor appliances, whether or not in use;
  - 2. Indoor furniture, whether or not used for outdoor leisure furniture; and
  - 3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

(Ord. of 8-2-2017, § 1(4.2.38))

#### **Sec. 4.2.39. Parking, commercial lot.**

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.39))

#### **Sec. 4.2.40. Pawn shops.**

The following provisions shall apply to pawn shops:

- A. Pawn shops shall not be permitted within 1,000 feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.

- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

(Ord. of 8-2-2017, § 1(4.2.40))

#### **Sec. 4.2.41. Personal care homes and child caring institutions.**

##### **A. *Personal care homes, general requirements.***

- 1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
- 2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
- 3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- 5. No city permit for the operation of the personal care home shall be transferable.

##### **B. *Personal care home, group (up to six persons).***

- 1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.
- 2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
- 3. The home must be at least 1,800 sq. ft in size.
- 4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

##### **C. *Personal care home, (seven or more persons).***

- 1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care Home, and Child Care Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child-care facility. The 1,500-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.

E. *Child Care Homes, (up to five children).*

1. Each group child care home must provide at least four parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six or more children).*

1. Two copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

(Ord. of 8-2-2017, § 1(4.2.41); Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.42. Places of worship, convents; monasteries; temporary religious meetings.**

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.



- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.42))

#### **Sec. 4.2.43. Private elementary, middle and high school.**

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:
  - 1. *Elementary school.* Two acres plus one additional acre for each 100 students based on the designed capacity of the school.
  - 2. *Middle school.* Three acres plus two acres for each 100 students based on the designed capacity of the school.
  - 3. *High school.* Five acres plus two acres for each 100 students based on the designed capacity of the school.
- B. The minimum public road frontage for a private school is 200 feet.
- C. Accessory ball fields shall be located at least 50 feet from a residential district or property used for a residential purpose.
- D. A 50-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

(Ord. of 8-2-2017, § 1(4.2.43))

#### **Sec. 4.2.44. Salvage yard, junkyard.**

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

- A. The site shall be enclosed by a wall or opaque fence not less than eight feet in height.
- B. No activity and no vehicle storage associated with such uses shall be conducted within 100 feet of any property zoned or used for residential purposes.
- C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within 50 feet of the street right-of-way.
- D. No activity and no vehicle storage associated with such uses shall be conducted within 50 feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
- E. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

- F. The sale of automobile parts removed from vehicles on the site shall be permitted.
- G. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

(Ord. of 8-2-2017, § 1(4.2.44))

#### **Sec. 4.2.45. School, specialized and vocational.**

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

(Ord. of 8-2-2017, § 1(4.2.45))

#### **Sec. 4.2.46. Senior housing; independent and assisted living, nursing, and continuing care.**

- A. Primary uses. Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multifamily (attached) residences.
- B. Accessory uses. Senior housing facilities shall include one or more of the following accessory uses:
  - 1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
  - 2. Central kitchen and dining facility.
  - 3. Recreation and amenities.
  - 4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
  - 5. Adult daycare.
- C. The maximum number of unrelated residents living independently (not requiring personal care) and at age 55 or older allowed in an independent living unit is one per bedroom.
- D. Height standards. A senior living facility in which all of the occupied units are occupied by at least one senior aged 55 or older is authorized up to ten stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in article 5 of this chapter.
- E. Accessibility standards. All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:
  - 1. At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
  - 2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
  - 3. Every door on the main floor shall provide a minimum width of 34 inches of clear passage.
  - 4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- F. Assisted living, nursing and continuing care facilities shall provide the following:
  - 1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:

- a. Primary services: on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
  - b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
  - c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.
- G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 7 of this chapter and after consideration of the following:
  1. Proximity and pedestrian access to retail services and public amenities.
  2. Transportation alternatives.
  3. Integration into existing neighborhoods through connectivity and site design.
  4. Diverse housing types.
  5. Site and building design that encourages social interaction.
  6. Building design that meets easy living standards.
- H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
  1. Building height.
  2. Landscaping.
  3. Maximum lot coverage.
  4. Setbacks from exterior property lines.
  5. Site size.
  6. Access to thoroughfare.
- I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
  1. Survey and site plan (per established requirements in article 7 of this chapter).
  2. Landscape and tree plan.
  3. Number and location of residential units.
  4. Types of units.
  5. Amenities.
  6. Institutional/nonresidential services.
  7. Proximity to services such as health care, shopping, recreation, and transit.
  8. Other documents addressing the approval criteria in subsections G. and H. of this section.

(Ord. of 8-2-2017, § 1(4.2.46))

**Sec. 4.2.47. Service areas, outdoor, for nonresidential uses.**

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

(Ord. of 8-2-2017, § 1(4.2.47))

**Sec. 4.2.48. Shelters for homeless or battered persons and transitional housing facilities.**

- A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of 20 persons, unless accessory to a place of worship.
- B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
- C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.
- D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
- E. No new shelter or transitional housing facility shall be located within 1,000 feet of an existing shelter or transitional housing facility.
- F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 7.5.9 if the residents would constitute disabled persons under the FHA.

(Ord. of 8-2-2017, § 1(4.2.48))

**Sec. 4.2.49. Micro home community (MHC).**

- A. *Permitted Districts.*
  - a. HR-1, HR-2, and HR-3
- B. *Site Requirements.* No other code shall prevail over this section.
  - a. MHCs shall be on a minimum of two acres of land.
  - b. The minimum building separation is ten feet.
  - c. Minimum setback on all sides shall be 20 feet from property line.
  - d. Minimum lot area shall be 2,000 square feet.
- C. *Courtyard/Amenities Area.*
  - a. MHCs shall have a minimum of three of the following amenities:
    - 1. Gazebo;
    - 2. Swimming Pool;
    - 3. Tennis Court;
    - 4. Walking Trail;

5. Club House;
  6. Pet-Friendly Amenities;
  7. Children Playground;
  8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
  9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
  - c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.
- D. *Interior Requirements.*
- a. The living space per residential dwelling unit shall be a minimum of 400 square feet and a maximum of 800 square feet, excluding patios, porches, garages, and similar structures.
  - b. A split-level micro home shall include a first floor living space of at least 150 square feet.
  - c. A micro home shall have the following:
    1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than 30 linear inches.
    2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
    3. A separate closet.
    4. At least one habitable room containing an openable window and a closet.
    5. Ceilings at least 6'8" tall
    6. Rooms not meant for sleeping are at least 70 square feet.
- E. *General Requirements.*
- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
  - b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
  - c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
  - d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
  - e. All utilities must be installed underground.
  - f. One and half (1.5) parking spaces per dwelling unit shall be provided. Parking location(s) shall be decided by the developer.

(Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

**Sec. 4.2.50. Swimming pool, community.**

Community swimming pools and their customary accessory buildings and structures shall be set back at least 15 feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four feet nor more than six feet in height. Setback is measured from the pool decking except where established elsewhere.

(Ord. of 8-2-2017, § 1(4.2.50))

**Sec. 4.2.51. Telecommunications towers and antennas.**

See section 4.2.57, wireless telecommunications.

(Ord. of 8-2-2017, § 1(4.2.51))

**Sec. 4.2.52. Tennis court, accessory to residential.**

Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least 15 feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

(Ord. of 8-2-2017, § 1(4.2.52))

**Sec. 4.2.53. Transit shelters.**

- A. Transit shelters may be located within a street right-of-way with permission from the ~~director of planning~~ **Community Development Director or his/her designee** or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle per article 5 of this chapter.
- B. A schematic plan of the transit shelter must be submitted and approved by the ~~director of planning~~ **Community Development Director or his/her designee**. The plan must include the following:
  - 1. The location of the proposed shelter relative to street, property lines, and established building yards;
  - 2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

(Ord. of 8-2-2017, § 1(4.2.53))

**Sec. 4.2.54. Truck stop.**

The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops shall be permitted only on parcels of ten acres or more.
- B. Entrance drives for truck stop facilities shall not be closer than 300 feet from any point of an interstate highway interchange.
- C. Truck stops shall meet all state and federal environmental guidelines and requirements.

(Ord. of 8-2-2017, § 1(4.2.54))

### Sec. 4.2.55. Urban garden or community gardens.

- A. If an urban garden or community garden is greater than five acres, a special administrative permit is required. The permit shall expire 24 months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.
- B. The following items shall be submitted with the special administrative permit application:
  - 1. Name and current address of the applicant.
  - 2. Address of the garden.
  - 3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owners, or authorized property manager or agent, consenting to the placement of a garden on the lot.
  - 4. A site plan showing:
    - a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
    - b. Plan layout and dimensions showing plot layout, structures and compost areas.
    - c. Source of water, including any rain barrel locations.
  - 5. Permit fee.
  - 6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.
- C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:
  - 1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
  - 2. *Management.* An individual shall be present on-site during all sales hours to direct the vending operations.
- D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
  - 1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
  - 2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
  - 3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
  - 4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
  - 5. Parking requirements. The garden shall provide a minimum of one parking space per one-half acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within 500 feet of the property line of the property on which the community garden is located.

6. Permitted structures. The following structures are permitted in association with an urban or community garden:
  - a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
  - b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
  - c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is:
  - (i) Intended for ordinary household use;
  - (ii) Borrowed or rented for a period not to exceed seven days; or
  - (iii) Located in an urban garden in Light Industrial District or Heavy Industrial District);
 shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
8. Buildings. Buildings shall be set back a minimum of ten feet from property lines.
9. A minimum of 20 feet of lot frontage along a public right-of-way, or an access easement not less than ten feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six feet in height. Fencing along the front shall not exceed four feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten feet from any property line.
14. One sign located on a community garden site is permitted, provided that it shall not exceed six square feet of sign area, excluding the base, and shall not exceed four feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

(Ord. of 8-2-2017, § 1(4.2.55))

#### **Sec. 4.2.56. Utility structure necessary for transmission or distribution of service.**

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located



only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

(Ord. of 8-2-2017, § 1(4.2.56))

#### **Sec. 4.2.57. Wireless telecommunications (cell tower).**

- A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996, which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:
1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
  2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city;
  3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
  4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
  5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
  6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
  7. To preserve those areas of scenic or historic significance;
  8. To facilitate implementation of an existing tower map for City of Stonecrest;
  9. To promote and encourage the joint use of new and existing tower sites among service providers;
  10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
  11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Abandon* means when a tower is not operated for a continuous period of six months.
- Accessory equipment* means any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
- Administrative approval* means zoning approval that the ~~director of planning~~ **Community Development Director or his/her designee** is authorized to grant in the form of a special administrative permit.

*Administrative review* means evaluation of an application by the ~~director of planning~~ **Community Development Director or his/her designee** in connection with the review of an application for a building permit.

*Antenna* means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services, including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. The term "antenna" does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

*Application* means a formal request submitted to City of Stonecrest to construct, collocate or modify a wireless support structure or a wireless facility.

*Attached wireless telecommunications facility* means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

*Carrier on wheels or cell on wheels (COW)* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

*Collocate or collocation* means the placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. The term "collocate" or "collocation" includes the placement of accessory equipment within an existing equipment compound.

*Distributed antenna systems (DAS)* means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

*Equipment compound* means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

*Existing structure* means previously erected support structure or any other structure, including, but not limited to, buildings and water tanks, to which telecommunications facilities may be attached.

*Fall zone* means the maximum distance from its base a wireless support structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

*Geographic search area (GSA)* means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

*Modification* means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing wireless support structure or within an existing equipment compound and may include:

- (i) An increase in structure height of a pre-existing tower up to 30 percent so long as such height increase does not trigger FAA lighting requirements; or

- (ii) The removal and replacement of a pre-existing tower with a new tower at the same location that may be up to 30 percent taller so long as any such structure height increase does not trigger FAA lighting requirements.

*Monopole* means a single, freestanding pole-type structure supporting one or more antennas. For the purposes of this section, a monopole is not a tower.

*Ordinary maintenance* means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include modifications.

*Replacement* means constructing a new support structure of the same proportions and of equal height, or such other height that would not constitute a modification to a pre-existing support structure, in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

*Support structure (new or existing)* means a structure designed to support telecommunications facilities, including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.

*Stealth telecommunications facility* means any telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. This term, includes, but is not limited to, artificial trees, clock towers, bell steeples, church towers and steeples, light poles, flag poles, monopoles with modified flush mount antennas and similar alternative-design structures that, in the opinion of the ~~director of planning~~ **Community Development Director or his/her designee** or city council, as may be appropriate based on the requirements for approval in the zoning district in which the telecommunications facility is to be located, are compatible with the natural setting or surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

*Telecommunications facility* means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and along with accessory equipment located in an equipment compound.

*Tower* means a lattice-type structure, guyed or freestanding, that supports one or more antennas or antenna arrays.

- C. *Approvals required for telecommunications facilities, stealth and new support structures.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any tower or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said tower or antennas.

1. All telecommunications facilities, stealth and new support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a telecommunications facilities, stealth and new support structures shall be in addition to either a special administrative permit or a special land use permit if required.
2. Telecommunications facilities, stealth and new support structures permitted pursuant to Table 4.1 upon issuance of a special administrative permit by the ~~director of planning~~ **Community Development Director or his/her designee** shall be considered in accordance with the standards set forth in this

- chapter. A building permit for a telecommunications facilities, stealth and new support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
3. Telecommunications facilities, stealth and new support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).
- D. *Exempt.* Ordinary maintenance of existing telecommunications facilities, stealth and new support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this chapter:
1. Antennas used by residential households solely for broadcast radio and television reception;
  2. Satellite antennas used solely for residential or household purposes;
  3. Telecommunication facilities, towers, stealth and new support structures, and monopoles located on city-owned property;
  4. COWs placed for a period of not more than 120 consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
  5. Television and AM/FM radio broadcast towers and associated facilities; and
  6. DAS facilities when located within a building or on the exterior of a building.
- E. *Telecommunications facilities, and modifications permitted by administrative review (building permit).*
1. Telecommunications facilities located on existing structures.
    - a. Attached wireless telecommunications facilities are permitted in all zoning districts, except single-family residential, when located on any existing structure (other than a single-family residential structure or a multifamily residential structure less than four stories or 50 feet in height) subject to administrative review in accordance with the requirements of this chapter.
    - b. Attached wireless telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the ~~director of planning~~ **Community Development Director or his/her designee** that increasing structure height will allow collocation on the tower by a wireless service provider and that such collocation will obviate the need for a new telecommunications facility in the same geographic search area (GSA). Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.
  2. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
    - a. The utility easement or right-of-way shall be a minimum of 100 feet in width.

- b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.
    - c. The height of the monopole or replacement pole may not exceed by more than 30 feet the height of existing utility support structures.
    - d. Monopoles and all accessory equipment shall be set back a minimum of 15 feet from all boundaries of the easement or right-of-way.
    - e. Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection c. above. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to 20 feet above the height of the utility tower.
  - 3. The ~~director of planning~~ **Community Development Director or his/her designee** must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within 90 days of submission of the initial application.
- F. *Telecommunication facilities and structures permitted by special administrative permit or special land use permit.*
- 1. *New support structures and attached wireless.*
    - a. New support structures up to 150 feet in height shall be permitted in the NS and OIT zoning districts by special land use permit in accordance with the requirements of this chapter.
    - b. New support structures up to 199 feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts in accordance with the requirements of this chapter.
    - c. Only attached wireless telecommunications (AWT) facilities are allowed in single-family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for nonresidential purposes, and attached to nonresidential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.
    - d. New support structures either up to 150 feet in height, or up to 199 feet in height depending on the zoning district in which the new support structure is located, may be permitted administratively or through the special land use permit process as described in Table 4.1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. Stealth design is encouraged.
  - 2. *Stealth design telecommunications facilities.*
    - a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
    - b. Stealth telecommunication facilities are mandatory in medium and high density residential districts and shall not exceed 150 feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.
    - c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
    - d. Existing structures utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, buildings, flagpoles, bell towers, clock towers, religious crosses, monuments, smoke stacks, parapets, and steeples.

3. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit). COWs may be placed for a period of not more than 120 consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COWs compliance with all federal requirements, may be up to 45 consecutive days before such special event, for the duration of the event, and for up to 14 consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the ~~director of planning~~ **Community Development Director or his/her designee**, COWs are authorized without permitting.
4. *General standards, design requirements, and miscellaneous provisions.* Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.
5. *Special administrative permit review process.* All special administrative permit applications must contain the following:
  - a. The special administrative permit application form signed by the applicant.
  - b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
  - c. Site plans detailing proposed improvements complying with the city's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
  - d. In the case of a new support structure:
    - i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
    - ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
    - iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one application requiring only a single application fee.
    - iv. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
    - v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
    - vi. Current and proposed coverage map for the proposed tower.

- vii. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
- viii. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule.

6. *Procedure.*

- a. Within 30 days of receipt of an application for special administrative permit, the ~~director of planning~~ **Community Development Director or his/her designee** shall either:

- (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
- (2) Deem the application complete.

If the ~~director~~ **Community Development Director or his/her designee** informs the applicant that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application.

- b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. The ~~director of planning~~ **Community Development Director or his/her designee** must issue a written decision approving, approving with conditions, or denying the application within 150 days of the submission of the initial application unless:
  - i. The ~~director of planning~~ **Community Development Director or his/her designee** notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information; or
  - ii. An extension of time is agreed to by the applicant in writing.
- d. After making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall have ten calendar days to post a sign on the subject property which reflects the decision of the ~~director~~ **Community Development Director or his/her designee** and includes the deadline for taking an appeal of the decision.
- e. An aggrieved person, as such term is defined by Georgia courts, may appeal any decision of the ~~director of planning~~ **Community Development Director or his/her designee** approving, approving with conditions, denying an application, or deeming an application incomplete, within 30 days of such decision to zoning board of appeals in accordance with this chapter.

G. *Special land use permit review process.*

- 1. Any telecommunications facility, stealth or new support structure, located in a medium to high density residential district, or NS and OIT (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
  - a. The submission requirements below;
  - b. The applicable standards below; and



- c. The requirements of the special land use permit general requirements provided in article 7 of this chapter.
2. Submission requirements for special land use permit applications.
    - a. All special land use permit applications for telecommunications facilities, stealth and new support structures, must contain the following:
      - i. The special land use permit application form signed by applicant.
      - ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
      - iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
      - iv. A scaled site plan clearly indicating the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on-site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the ~~director of planning~~ **Community Development Director or his/her designee** to assess compliance with this section.
      - v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the ~~director of planning~~ **Community Development Director or his/her designee** to provide an adequate description of the proposal.
      - vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer.
      - vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
      - viii. Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four directions within the surrounding areas.
      - ix. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of



structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

- x. A statement indicating why collocation is not feasible. Such statement shall include:
  - (1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
  - (2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
- xi. A statement certifying that the proposed stealth or new support structure will be made available for collocation to other service providers at commercially reasonable rates.
- xii. Notification to surrounding property owners as required by this chapter.
- xiii. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.

### 3. Procedure.

- a. Within 30 days of the receipt of an application for special land use permit, the ~~director of planning~~ **Community Development Director or his/her designee** shall either:
  - (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
  - (2) Deem the application complete.

If the ~~director~~ **Community Development Director or his/her designee** informs the applicant in writing that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.

- b. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.
- d. Applications for stealth and new support structures with accompanying telecommunications facilities shall be considered as one application requiring only a single application fee.
- e. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.
- f. The ~~director of planning~~ **Community Development Director or his/her designee** must provide the applicant with a written decision of the city council approving, approving with conditions, or denying the request within 150 days of the submission of the initial application unless:
  - i. The ~~director of planning~~ **Community Development Director or his/her designee** notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information in writing; or

- ii. An extension of time is agreed to by the applicant.

H. *General standards and design requirements.*

1. *Design.*

- a. Support structures shall be subject to the following:
  - i. Designed to accommodate a minimum number of collocations based upon their height, as follows:
    - (i) Support structures less than 100 feet in height shall be designed to support at least two antenna arrays;
    - (ii) Support structures between 100 and 150 feet shall be designed to support at least three antenna arrays; and
    - (iii) Support structures greater than 150 feet in height shall be designed to support at least four antenna arrays.
  - ii. The compound area surrounding the support structure must be a minimum 80 feet by 80 feet in size to accommodate accessory equipment for the appropriate number of collocations.
  - iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
- b. Stealth telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible.
- c. Upon request of the applicant, the ~~director of planning~~ **Community Development Director or his/her designee** may waive the requirement that new support structures accommodate the collocation of other service providers if the ~~director of planning~~ **Community Development Director or his/her designee** determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community. Additionally, the ~~director~~ **Community Development Director or his/her designee** may reduce the required size of the compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of collocations.

2. *Setbacks.*

- a. Property lines. Unless otherwise stated herein, stealth and new support structures shall be set back from all property lines a distance of the fall zone plus 20 feet, or if adjacent to property zoned residential, the greater of:
  - (a) The fall zone plus 20 feet; or
  - (b) 100 feet.
- b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
- c. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.

- d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
    - i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
    - ii. The proposed telecommunications facility, stealth or new support structure is consistent with the purposes and intent of this division.
3. *Height.*
- a. In nonresidential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed 199 feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
  - b. In medium and high density residential districts, stealth support structures shall not exceed 150 feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
  - c. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.
4. *Aesthetics.*
- a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
  - b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
  - c. Landscaping. The visual impacts of a tower shall be mitigated by landscaping. Unless located in heavily wooded areas, towers shall be landscaped with a landscape buffer which effectively screens the view of the tower compound from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
  - d. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound.
  - e. All landscaping shall be of the evergreen variety and shall conform to the city's buffer standards.
5. *Accessory equipment, including any buildings, cabinets or shelters.*
- a. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
  - b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
  - c. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be

required by the ~~director of planning~~ **Community Development Director or his/her designee** in order to accomplish the purposes and goals of this section.

- I. *Sound provision.* No sound emanating from the facility generator during normal operations shall be audible above 70 decibels which would allow normal conversation within 15 feet of the compound.
- J. *Miscellaneous provisions.*
  - 1. *Fencing.*
    - a. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six feet.
    - b. Fencing shall be decorative, including brick or concrete columns.
    - c. The ~~director of planning~~ **Community Development Director or his/her designee** may waive the requirement of subsection (j)(1)a. of this section if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.
  - 2. *Neighborhood identity.* If located in residential area, towers may incorporate features that identify neighborhoods, such as banner arms or monuments.
  - 3. *Abandonment and removal.* If a support structure is abandoned, the ~~director of planning~~ **Community Development Director or his/her designee** may require that the support structure be removed, provided that the ~~director of planning~~ **Community Development Director or his/her designee** must first provide written notice to the owner of the support structure and give the owner the opportunity to take such actions as may be necessary to reclaim the support structure within 60 days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the 60-day period, the owner of the support structure shall be required to remove the same within six months thereafter at the owner's expense. The city shall ensure and enforce removal by means of its existing regulatory authority.
  - 4. *Multiple uses on a single parcel or lot.* Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- K. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*
  - 1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date the ordinance from which this chapter is derived was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.
  - 2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.
  - 3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

(Ord. of 8-2-2017, § 1(4.2.57))

#### **Sec. 4.2.58. Short term vacation rental.**

- A. No individual renting the property shall stay for longer than 30 consecutive days.

- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

(Ord. No. 2018-09-01, § 1, 9-17-2018; Ord. No. 2018-09-02, § 1, 9-17-2018; Ord. No. 2019-02-02, § 1, 2-11-2019)

#### **Sec. 4.2.59. Party houses.**

- (a) A Single Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.
- (b) An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.
- (c) With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
- (d) Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter 18, Article VII of the City Code.

- (e) In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.
- (f) Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.
- (g) A qualifying event at a "Party House" may not continue past 11:00 p.m. on Sunday—Thursday, or midnight on Friday—Saturday or any Federal Holiday.
- (h) Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2,000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than two other residential lots.
- (i) No alcohol may be sold during a qualifying event of a "Party House" and no more than one drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.
- (j) A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten such qualifying events in any calendar year.

(Ord. No. 2019-11-04, § I, 11-25-2019)

Ord. No. 2019-11-04, § I, adopted November 25, 2019, set out provisions intended for use as § 4.2.58. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.59.

#### **Sec. 4.2.60. Eating and drinking establishments.**

Eating and Drinking Establishment that also operate another use Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

(Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02, § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.59. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.60.

#### **Sec. 4.2.61. Smoking lounges.**

Smoking Lounges shall be subject to the following restrictions:

- A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
- B. Hours of operation shall not extend past 11:00 p.m.
- C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.

(Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02, § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.60. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.61.

#### Sec. 4.2.62. Reserved.

#### Sec. 4.2.63. Craft breweries and craft distilleries.

- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:
- B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area.
- C. No outdoor public address system shall be permitted.
- D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.
- F. Outdoor placement of grain silos shall be allowed, subject to the ~~Director of Planning & Zoning~~ **Community Development Director or his/her designee** review and approval of their appearance, signage, location and height.
- G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.
- H. The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 2:55 a.m. on Monday: (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the planning and development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or (4) A public stadium, coliseum or auditorium.
- I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.
- J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- K. A violation of subsection (a), (b) or (e) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.
- L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.

- M. Outdoor storage: There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets.

(Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022)

#### **Sec. 4.2.64. Wineries and associated uses.**

- A. Winery must be located on the same property as the vineyard used in the production of the wine. Said property must be a minimum of 15 acres.
1. Winery must be a minimum of 40 percent of the building dimensions
  2. Tasting must be a minimum of 35 percent of the building dimensions
  3. Workshop/garage must be a minimum of 25 percent of the building dimensions
- B. Vineyards that do not have a winery used in the production of wine must have a minimum of 15 acres. Vineyard activities shall include the following:
1. Must be a plantation that grow grapes on the property.
  2. Pruning the vines.
  3. Picking the fruit.
  4. Checking for insects (bugs).
  5. Planting new vines.
  6. Repairing and making new trellises.
  7. Training vines to trellises.
  8. Pulling weeds.
- C. The winery may have one tasting room (35 percent of tasting room) on premise for purposes of on-site consumption of wine and related activities.
- D. The principal entrance through which vehicles will enter the premises of the winery and Tasting Room shall be on a public road designated as a collector or arterial road.
- E. A winery may offer samples of its wine in the tasting room for consumption on premises or in closed packages for consumption off the premises. Alcoholic beverage sales for consumption on premises shall be limited to flights of individual 1.5 oz servings of different wines produced from grapes, berries or fruits grown on site.
- F. Outdoor speakers and other created sounds must adhere to the noise ordinance regulations. See Article 7: Noises.
- G. A retail sales area may be included in the Tasting Room, with package wine sales. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.
- H. All buildings must have an architectural appearance of a residential or agricultural building(s).
- I. All operations, activities, and special events unrelated to the growing, harvesting or processing of grapes, berries, or fruits on the property of the winery shall cease by 11:30 p.m. eastern standard time.
1. A "Special Event" is Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for



parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. The event shall consist of 200 or less people at one time.

- J. Food service shall be limited to cheese and crackers, unless otherwise approved herein. No indoor and outdoor ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of food, unless otherwise approved herein by the ~~Director of Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
- K. A retail sale may be included in the Tasting Room, with package sales limited to wine produced by the farm winery licensee.
- L. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.
- M. Except as otherwise provided to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A. § 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:
  - 1. Sales shall occur only within an area of the zoned premises approved by the ~~Director of the Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
  - 2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
  - 3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.
  - 4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Stonecrest concerning such sidewalk dining facilities.
  - 5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided the porch area is approved by the ~~Director of the Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
- N. A farm winery shall obtain and have a license as set forth in O.C.G.A. § 3-6-21.1, et seq.
- O. Sunday sales shall be governed by O.C.G.A. § 3-6-21.2.
- P. All lounge and restaurant areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises. The sale or dispensing of alcoholic beverages in any back room or side room that is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:
  - (1) Private or special events which have been scheduled in advance;
  - (2) Sales to hotel, cottages, bed breakfast and/or cabins;
  - (3) Private clubs; or
  - (4) Corporate events.

A winery/vineyard may request to host the following events specifying the number of times per calendar month such events would be limited:

- a. Catered dinners.

- b. Single food truck events. Must be licensed and adhere to the Department of Public Health and State of Agriculture Department regulations.
- c. Seasonal events.

(Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022)

Ord. No. 2022-10-02, § 1(Exh. A), adopted October 24, 2022, added provisions that were not specifically amendatory. At the editor's discretion, said provisions have been set out herein as § 4.2.64.

#### **Sec. 4.2.65. Self-storage, mini.**

Self-storage, mini shall meet the following requirements:

- A. Maximum of one level/story
- B. Requires a Special Land Use Permit in OI and OD Zoning District
- C. The storage facility shall be climate controlled.
- D. All buildings must have windows or architectural treatments that appear as windows.
- E. Lot must be a minimum of one acre.
- F. At least 75 percent of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than ten feet high.
- G. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space is allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical interference.
- H. An on-site manager shall be required and shall be responsible for the operation of the facility in conformance with the conditions of approval.
- I. Provide a minimum six-foot high, 100 percent opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall be located outside of any public right-of-way and interior to any required landscape strips or buffers.
- J. *Lighting.* Exterior lighting for a self-storage facility shall project inward and downward and shall not spillover to adjacent properties.
- K. *Design.* A combination of the following materials shall be used for self-storage on each building wall: brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
- L. No outside storage shall be allowed.
- M. No self-storage facility (mini or multi) shall be within 1,000 feet of a school, church, or daycare.
- N. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

(Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

**Sec. 4.2.66. Self-storage, multi.**

Self-storage, multi shall meet the following requirements:

- A. Minimum of two levels/stories; maximum of four levels/stories.
- B. Requires a Special Land Use Permit in OI and OD Zoning District
- C. The storage facility shall be climate controlled.
- D. All buildings must have windows or architectural treatments that appear as windows.
- E. Lot must be a minimum of one acre.
- F. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical interference.
- G. An on-site manager shall be required and shall be responsible for the operation of the facility in conformance with the conditions of approval.
- H. *Lighting.* Exterior lighting for a self-storage facility shall project inward and downward and shall not spillover to adjacent properties.
- I. *Design.* A combination of the following materials shall be used for self-storage on each building wall: brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
- J. No outside storage shall be allowed.
- K. No self-storage facility (mini or multi) shall be within 1,000 feet of a school, church, or daycare.
- L. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

(Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

**Sec. 4.2.67. Food trucks, mobile vending/food cart.**

All Food Trucks shall comply with the following:

- A. *Permit.*
  - 1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit, in accordance with Section 7.6.1. of this chapter, to operate within the city.
  - 2. No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.
  - 3. All valid vendor permits are nontransferable.
  - 4. Any condition of zoning or provision of the Stonecrest and Dekalb County's zoning ordinance that prohibits a food truck use on a property shall supersede this section.

5. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all unexpired city, county, and state licenses. Vendors shall follow all laws of the state and county health departments, or any other applicable laws.
  6. Food Trucks, Mobile Vending/Food Carts offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.
  7. Food Trucks, Mobile Vending/Food Carts selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section.
  8. Food Trucks, Mobile Vending/Food Carts may offer items permissible for sale only.
  9. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.
- B. *Permitted locations.*
1. Allowable districts: All residential, OD, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Director. Community Development Director or his/her designee.
  2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.
- C. *Restricted locations.*
1. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.
  2. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
  3. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.
- D. *Hours of operation.*
1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.
  2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.
  3. Food Trucks, Mobile Vending/Food Carts shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.
- E. *Sales Taxes and Records Keeping.*

1. Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR.
  2. Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to:
    - a. Records of sales and receipts for purchases and expenses from any business in which a vender has any interest.
- F. Parking.
1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.
  2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.
- G. Signage.
1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, Chapter 21.
- H. Lighting/Noise.
1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements, except for Ice Cream Food Truck.
    - a. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- I. Waste Disposal.
1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the Special Administrative Permit application.
- J. Denials, fines suspension and revocations.
1. No valid permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter, crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.
  2. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.
  3. A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:
    - a. Fraud, misrepresentation or false statements contained in the application.
    - b. Failure on the part of a vendor to maintain initial eligibility qualifications.

- c. Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.
- d. Any failure to comply with any requirement set forth in this article or this Code.

(Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

#### **Sec. 4.2.68. Hotels and motels.**

Hotels and motels shall meet the following requirements:

- A. Hotels are prohibited from providing lodging at an hourly rate.
- B. No hotel or motel located within the city shall allow any person to occupy such hotel or motel for more than 30 consecutive days, nor more than 60 days during a 180 day period. No patron shall begin a new rental agreement with a hotel or motel without at least a two-day vacancy between stays.
- C. Notwithstanding the provisions of subsection 4.2.27(b), a hotelier may designate no more than three rooms for the purpose of allowing any number of bona-fide employees and their families to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct rooms from those held out for rent to the public and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.
- D. Notwithstanding the provisions of subsection 4.2.27(b), a stay more than 30 consecutive days or more than 60 days during a 180 day period may occur under the following circumstances:
  - 1. Where there is a written contract or documented agreement between a hotel or motel and a business, corporation, firm, or governmental agency to house employees or individuals on valid work orders;
  - 2. Where there is written documentation, consistent with HIPAA privacy rules, that a hotel or motel guest is considered family or is providing care for a patient who is admitted at a local hospital or is undergoing hospice care; or
  - 3. Where an insurance company or federal, state, or local agency has provided documentation that a hotel or motel guest has been displaced from their home by a natural disaster or fire.
- E. For any hotel or motel permitted for construction after April 2023, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall be locked between the hours of 9:00 p.m. and 6:00 a.m. and shall be equipped with an alarm or other device that will alert hotel or motel security or other employees that the door has been opened. These requirements are not applicable to entry points that enter directly into the lobby of the hotel or motel as long as the lobby is manned by a bona fide employee 24 hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel or motel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.
- F. No hotel or motel may be located within 500 feet of another hotel or motel.

(Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023)

Ord. No. 2023-05-03, § 1(Exh. A), adopted May 22, 2023, set out provisions intended for use as 4.2.64. Inasmuch as there were already provisions so designated, and at the discretion of the editor, the provisions have been redesignated as § 4.2.68.

### ***DIVISION 3. TEMPORARY USE REGULATIONS***

#### **Sec. 4.3.1. Temporary outdoor uses; general requirements.**

- A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning ~~and zoning department~~ **division** subject to the provisions of article 7 of this chapter, and any other applicable agency which may require review prior to issuance of permits.
- B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.
- C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.
- D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.
- E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.
- F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.
- G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.
- H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 7 of this chapter.
- I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
- J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
- K. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.
- L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.1))

### Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

(Ord. of 8-2-2017, § 1(4.3.2); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

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(Supp. No. 4)



### Sec. 4.3.3. Temporary outdoor seasonal activities.

Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:

A. *Use regulations.*

1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

B. *Lot and parcel restrictions.*

1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a nonresidential zoning district.
2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

C. *Setback and structure requirements.*

1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within 25 feet of the street.
2. Tents over 200 square feet and canopies over 400 square feet shall require issuance of a building permit and approval by the fire marshal.
3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.3))

### Sec. 4.3.4. Temporary outdoor retail sales displays.

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

A. *Use regulations.*

1. A special administrative permit must be approved in accordance with the provisions of article 7 of this chapter.
  2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
  3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
  4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
  5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.
- B. *Lot and parcel restrictions.*
1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.
  2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
  3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the ~~director~~. Community Development Director or his/her designee
  4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
  5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from subsections (b)(1) and (b)(2) of this section and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the ~~director~~. Community Development Director or his/her designee.
- C. *Setback and display requirements.*
1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city or state right-of-way.
  2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.
  3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
  4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.
  5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.4))

### **Sec. 4.3.5. Temporary outdoor sales or events.**

Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

- A. *Use regulations.* Temporary outdoor sales or events shall be governed by the following regulations:
  - 1. Site conditions.
    - a. Employees shall be uniformed and identified.
    - b. Security or off-duty police officers shall be on-site during operating hours.
    - c. Portable toilets or access to bathrooms shall be provided.
    - d. Approval from the property owner.
    - e. Traffic Control Plan must be approved by the fire marshal's office.
  - 2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.
- B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.
- C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the ~~director of planning~~ **Community Development Director or his/her designee.**

(Ord. of 8-2-2017, § 1(4.3.5); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 4.3.6. Yard sales.**

- A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.
- B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.
  - 1. Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.
  - 2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.6))

### **Sec. 4.3.7. Temporary buildings, use and construction of.**

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:

- (1) For caretaker's residence in the industrial districts;
- (2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or
- (3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.

Such temporary buildings shall be sited and permitted in any district upon approval of the ~~director of planning~~ **Community Development Director or his/her designee** through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.

(Ord. of 8-2-2017, § 1(4.3.7))

## **ARTICLE 5. SITE DESIGN AND BUILDING FORM STANDARDS**

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in article 2 of this chapter, zoning districts, and chapter 14, land development.

(Ord. of 8-2-2017, art. 5)

### ***DIVISION 1. BLOCK AND LOT REQUIREMENTS***

#### **Sec. 5.1.1. Blocks.**

A. *Intent.* The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:

1. Provision of building sites suitable to the special needs of:
  - a. The building form contemplated;
  - b. The conservation of open space; and/or
  - c. Existing historic features.
2. Zoning requirements for lot sizes and dimensions;
3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles;
4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion;
5. Connectivity standards in section 5.3.2.

B. *Block length.*

1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be 200 to 300 linear feet.

2. The maximum block length for new subdivisions in the Suburban Neighborhood character area is 600 linear feet.

C. *Blocks and pedestrian access.* If a new development provides for a path with an easement through a block:

1. An easement for pedestrian use only shall be at least five feet wide.
2. An easement for pedestrian and bicycle use shall be at least ten feet wide.

(Ord. of 8-2-2017, § 1(5.1.1); Ord. No. 2021-06-03, § 1(Exh. A, § BB), 8-23-2021)

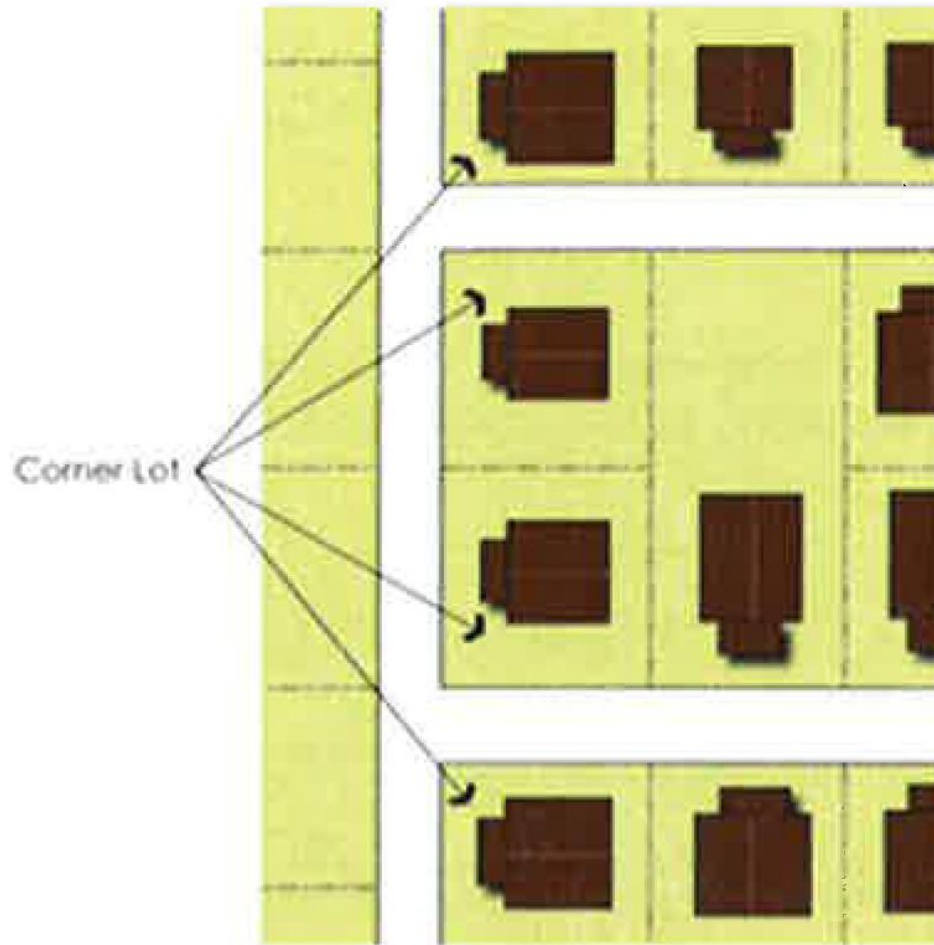
### **Sec. 5.1.2. Lots.**

All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

(Ord. of 8-2-2017, § 1(5.1.2))

### **Sec. 5.1.3. Lots, access.**

Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than 100 feet shall have driveway access via shared driveways.



(Ord. of 8-2-2017, § 1(5.1.3))

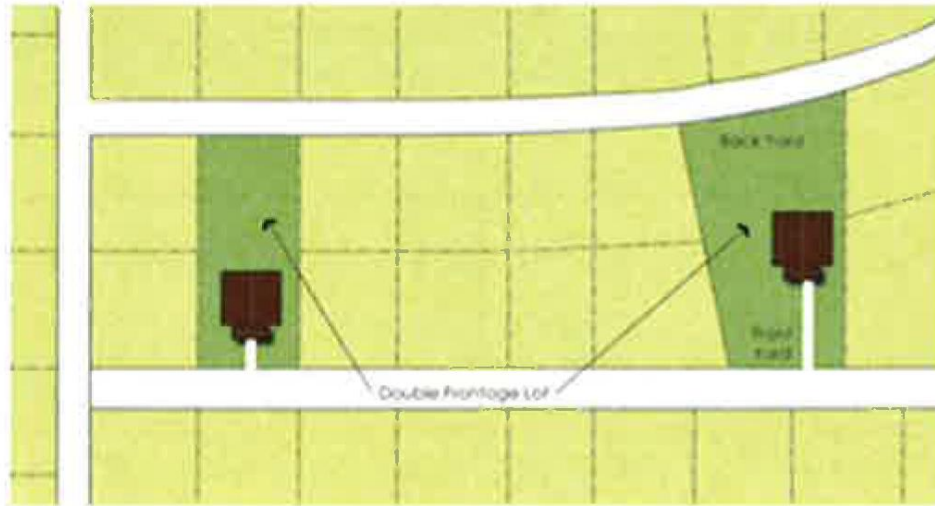
#### **Sec. 5.1.4. Lots, corner.**

- A. *Front yard building setback.* On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.
- B. *Side corner yard.* Once the front of a corner lot is determined pursuant to subsection A. of this section, the remaining side adjacent to a street is the side corner yard.
- C. *Side corner yard building setback.* The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2 of this chapter. Unless otherwise restricted, buildings may face either the front or side corner.
- D. *Lot width.* The minimum width of corner lots with residential uses shall be increased by 15 feet above the minimum width required for the zoning district in which the lot is located.
- E. *Side corner yard for nonconforming residential.* The side corner yard building setback in residential districts may be reduced to 60 percent of the minimum front yard building setback in the zoning district if:

1. The lot is a legal nonconforming lot; and
2. The lot does not abut a thoroughfare.

(Ord. of 8-2-2017, § 1(5.1.4))

#### **Sec. 5.1.5. Lots, double frontage.**



Double Frontage Lot

- A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.
- B. For the purposes of front yard regulations, there shall be only one front yard designated, depending on which street the front of the house is built to face.
- C. Driveway access on double frontage lots shall be limited to one street only. A ten-foot, no-access easement shall be provided along the frontage of the street not used for a driveway.

(Ord. of 8-2-2017, § 1(5.1.5))

#### **Sec. 5.1.6. Every use must be upon a lot of record.**

No building or structure shall be erected and no use shall be established unless upon a lot of record.

(Ord. of 8-2-2017, § 1(5.1.6))

#### **Sec. 5.1.7. Buildings on single-family and duplex lots.**

On all single-family detached and two-family residential lots, only one principal building, together with its permitted accessory structures and uses, shall occupy each lot.

(Ord. of 8-2-2017, § 1(5.1.7))

**Sec. 5.1.8. Multiple principal buildings on a lot.**

Multiple principal buildings with nonresidential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of this article 5 and this chapter are met.

(Ord. of 8-2-2017, § 1(5.1.8))

**Sec. 5.1.9. Minimum lot size and minimum lot width.**

- A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2 of this chapter, except as otherwise provided in article 8 of this chapter.
- B. Flag lots are prohibited.

(Ord. of 8-2-2017, § 1(5.1.9))

**Sec. 5.1.10. Maximum lot coverage.**

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of 15 percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

(Ord. of 8-2-2017, § 1(5.1.10))

**Sec. 5.1.11. Street frontage for lots.**

All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

(Ord. of 8-2-2017, § 1(5.1.11))

**Sec. 5.1.12. Lots served by wells and septic tanks; sewer and water connections.**

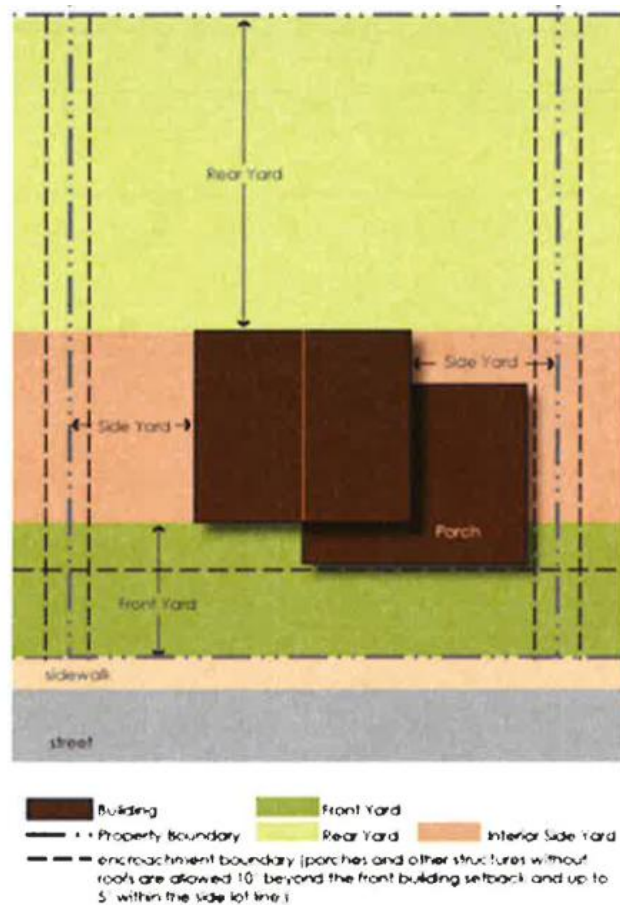
- A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on the lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.
- B. Sewer and water facilities and connections shall be approved by the ~~director of planning~~ Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(5.1.12))

***DIVISION 2. GENERAL YARD AND MEASUREMENT PROVISIONS***



### Sec. 5.2.1. Minimum required yards and building setbacks.



#### Projections into Yards

##### A. *Projections into yards.*

1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required yard and do not encroach on other lots or rights-of-way.
2. An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any lot line.
3. Enclosed porches may encroach for a distance of up to eight feet into the front or rear yard, but shall be no closer than five feet from the side property line.

##### B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:

1. Building shall be separated a distance as required by the International Codes Council (ICC).



High-rise multifamily spacing

- C. *Setback averaging.* When a vacant lot located in a zoning district authorized for single-family detached dwellings is proposed for development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply. Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same blockface. Where application of setback averaging would require that the proposed dwelling be located closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied. Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement. If the actual front setbacks of the existing dwellings on the adjacent lots on the same blockface as the vacant lot differ from each other by more than 30 feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

(Ord. of 8-2-2017, § 1(5.1.1); Ord. No. 2021-06-03, § 1(Exh. A, §§ U, CC), 8-23-2021)

### **Sec. 5.2.2. Minimum floor area per dwelling unit.**

- A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2 of this chapter.
- B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2 of this chapter.

(Ord. of 8-2-2017, § 1(5.1.2))

### Sec. 5.2.3. Compatibility of new and existing subdivisions.

- A. Lot size variability. Lots created as part of a new or redeveloped single-family detached subdivision, containing 20 or more lots, shall be compatible with existing developed single-family lots to which they are adjacent as described in subsection B. of this section.
- B. Compatibility of new lots with adjacent lots shall be demonstrated by at least two of the following:
  1. The lot width of the new lot is at least 80 percent of the lot width of an adjacent existing subdivision lot;
  2. The lot size of the new lot is at least 80 percent of the lot size of an adjacent existing subdivision lot or eight-tenths of an acre, whichever is less;
  3. The new lot provides a minimum transitional buffer of 20 feet;
  4. The lot depth of the new lot is at least 20 feet deeper than the depth of the adjacent existing lot.
- C. Calculations for measuring compatibility:
  1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.



Perimeter Lot Diagram

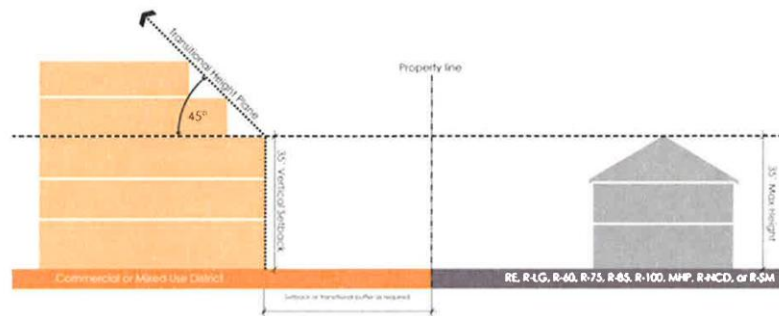
(Ord. of 8-2-2017, § 1(5.1.3))

### Sec. 5.2.4. Transitional height plane.

A transitional height plane shall apply to commercial or multifamily buildings that is either:

- (1) Adjacent to; or
- (2) Separated by a street with a width of 50 feet or less from any property zoned RE, RLG, R-60, R-75, R-85, R-100, MHP, RNC or RSM.

No portion of a commercial or multifamily structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point 35 feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of 45 degrees over the lot of the commercial or multifamily building.



Transitional Height Plane Diagram

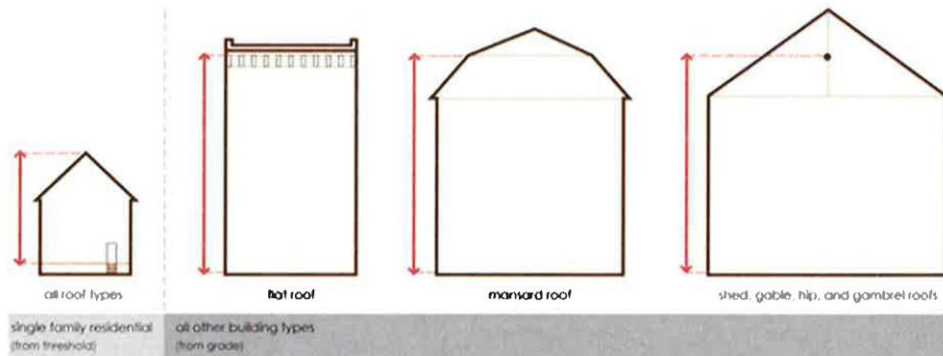
(Ord. of 8-2-2017, § 1(5.1.4))

### Sec. 5.2.5. Height measurement requirements and thresholds.

- A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.
- B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.
- C. Reserved.
- D. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:
  1. *Replacement of a single-family detached dwelling.* If new construction of a single-family detached dwelling would require alteration or eradication of the threshold of a previously existing residential structure, the proposed front door threshold elevation for the new single-family detached dwelling shall not be more than two feet higher than the front door threshold elevation of the previously existing residential structure, which shall be measured and certified by a licensed surveyor or engineer.
  2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.
  3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections

to county sewer, the ~~director of planning~~ **Community Development Director or his/her designee** may grant an administrative variance to allow the threshold height to be up to five feet above the threshold of the previously existing residence in order to allow for gravity flow into the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 7 of this chapter.

4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the ~~director of planning~~ **Community Development Director or his/her designee** may grant an administrative variance to allow the threshold to be up to three feet above the threshold of the previously existing house.



*Building Height Measurement*

E. Height requirements.

1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.
2. The height limitations established in this chapter shall not apply to the following:
  - a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.
  - b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located.
  - c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.57.
  - d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection E.2.a. of this section and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.
  - e. When an undeveloped single-family lot is located within a platted subdivision in which at least 60 percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection E.(1) of this section, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.
  - f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six feet in height measured from top of roof adjacent to such structure.

(Ord. of 8-2-2017, § 1(5.1.5))

### ***DIVISION 3. SUPPLEMENTAL STREET REGULATIONS AND TRAFFIC IMPACT***

#### **Sec. 5.3.1. Design standards by street type.**

Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in section 5.7.6 of this chapter.

(Ord. of 8-2-2017, § 1(5.3.1))

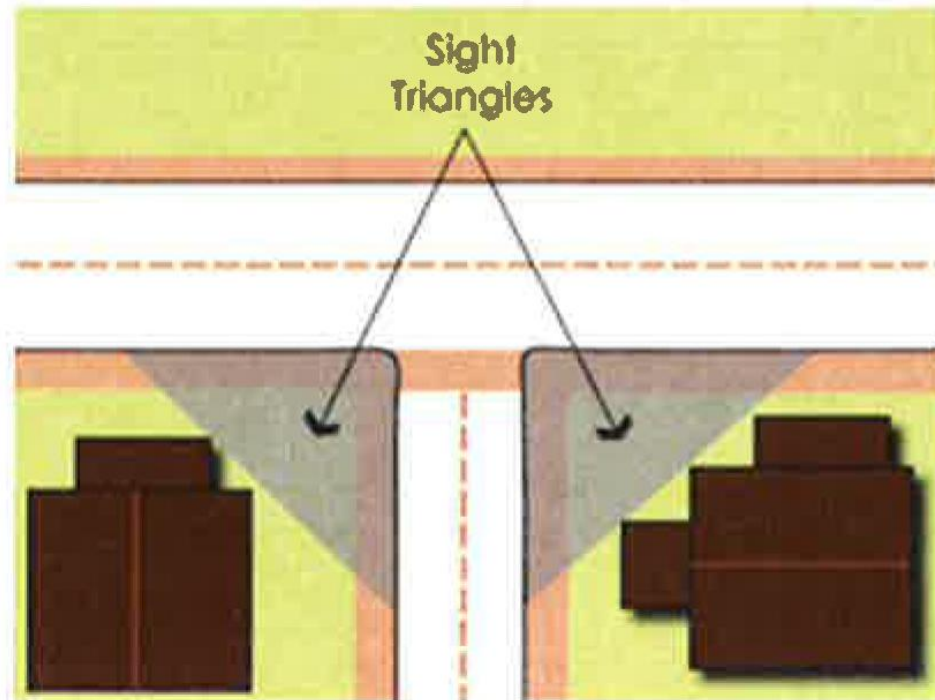
#### **Sec. 5.3.2. Street connectivity.**

- A. *Connectivity measures.* New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.
- B. *Pedestrian connectivity.* Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.
- C. *Small area transportation plan conformity.* New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.
- D. *Waivers.* The requirements of subsections A. and B. of this section may be waived by the ~~director of planning~~ in accordance with article 7 of this chapter and as provided below:
  - 1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments and or divisions impede compliance.
  - 2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

(Ord. of 8-2-2017, § 1(5.3.2))



### Sec. 5.3.3. Sight visibility triangles.



Sight Triangles

- A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Officials' (AASHTO's) A Policy of Geometric Design of Highways and Streets, current edition.
- B. For the purposes of this section, obstructions shall be prohibited if any part thereof is more than 30 inches and less than eight feet above local streets and driveways, or more than 30 inches and less than 12 feet above any street classified as collector or higher.
- C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

(Ord. of 8-2-2017, § 1(5.3.3))

### Sec. 5.3.4. Traffic impact study.

A traffic impact study, the scope of which shall be determined by the ~~director of the planning department~~ **Community Development Director or his/her designee** or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

- A. Multifamily development with over 300 new units at build-out;

- B. Single-family developments with over 200 new lots or units at build-out;
- C. Retail developments with over 125,000 gross square feet (GSF);
- D. Office developments with over 200,000 GSF;
- E. Medical office developments with over 55,000 GSF;
- F. Industrial/warehouse developments with over 280,000 GSF, employing more than 650 workers, or covering more than 200 acres;
- G. Any mixed-use development which could reasonably expect to generate 2,000 or more gross daily trips; or
- H. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

(Ord. of 8-2-2017, § 1(5.3.4))

#### **Sec. 5.3.5. Traffic calming features.**

New subdivisions may provide a traffic calming structure for every 500 feet of road length. Traffic calming structures, curves and other traffic calming features are subject to the approval of ~~director of the planning department, or his designee~~ **Community Development Director or his/her designee**, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

(Ord. of 8-2-2017, § 1(5.3.5))

### ***DIVISION 4. STREETScape AND LANDSCAPING REQUIREMENTS***

#### **Sec. 5.4.1. Purpose and intent.**

The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

- A. Provide buffering between non-compatible land uses.
- B. Protect, preserve, and promote aesthetic appeal and scenic beauty.
- C. Reduce noise pollution and air pollution.
- D. Reduce stormwater run-off, erosion and degradation of water quality.
- E. Filter and reduce glare from artificial light sources.
- F. Provide shaded areas along streets and in parking areas.
- G. Reduce solar heat islands.

(Ord. of 8-2-2017, § 1(5.4.1))



### Sec. 5.4.2. Applicability.

- A. *New developments, principal building or use.* The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.
- B. *Change of use, expansions or reconstruction.* Where a change of use, expansion to, or reconstruction of an existing building or site improvements (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.
- C. *Publicly-owned buildings.* To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

(Ord. of 8-2-2017, § 1(5.4.2))

### Sec. 5.4.3. Streetscape elements and dimensions.

All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

#### A. *Streetscape dimensions and placement.*

##### 1. *New streets.*

- a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.
- b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.
- c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.
- d. *Landscape strips.*
  - i. Landscape strips shall be located between the curb and the sidewalk.
  - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.
  - iii. See subsection C. of this section for planting and materials requirements.
  - iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.
- e. *Supplemental zone.* New streetscape zones in nonresidential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the ~~director-of-planning~~ **Community Development Director or his/her designee**. See subsection D. of this section.

##### (2) *Improvements on existing streets.*

- a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.
  - b. *Streetscape zone elements for existing streets.*
    - i. The streetscape zone for existing streets shall consist of a minimum of 11 feet along the existing shoulder, as indicated in Table 5.1.
    - ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.
  - c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the ~~director of the planning department or his designee~~ , **Community Development Director or his/her designee** based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.
  - d. *Landscape strips.*
    - i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.
    - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.
    - iii. See subsection C. of this section for planting and materials requirements.
    - iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.
  - e. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.
  - f. *Administrative variance.* The ~~director of planning~~ **Community Development Director or his/her designee** shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 7 of this chapter based on a finding that the requirement of the subsection A.2. of this section would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to,
    - i. Inadequate right-of-way;
    - ii. Conflicting standards between this section and GDOT design standards;
    - iii. Unique topographic or subsurface conditions;
    - iv. Need to relocate existing utilities.
- B. *Sidewalks and interior walks.*
1. Sidewalks shall be paved in concrete and paver accents approved by the ~~director of planning~~ **Community Development Director or his/her designee** and kept clear and unobstructed for the safe and convenient use of pedestrians.
  2. Sidewalks shall adhere to ADA guidelines.

3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.
4. Where newly constructed sidewalks abut existing sidewalks, the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalks. Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.
5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three feet.

C. *Landscape strip materials and maintenance.*

1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.
2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the ~~director of planning~~ Community Development Director or his/her designee and kept clear and unobstructed for the safe and convenient use of pedestrians.
3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.
4. *Maintenance.* Required landscape strips shall be established and maintained by the owners. Topping of canopy trees is prohibited.
5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.
6. *Planting specifications, all trees.*
  - a. Planting areas for trees shall contain a minimum depth of 12 inches of screened topsoil. Below 12 inches the soil shall be uncompacted to a depth sufficient to allow proper drainage and root growth.
  - b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.
  - c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.
7. *Street trees.*
  - a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the ~~director of planning~~ Community Development Director or his/her designee.
  - b. Street trees shall be provided with spacing as depicted in Table 5.1.
  - c. Street trees shall not be planted closer than 20 feet from the curb line of intersecting streets and not closer than ten feet from intersecting lines of alleys or private drives.

- d. Street trees shall not be planted closer than 12 feet from light standards. No new light standard location shall be positioned closer than ten feet to any existing street tree.
- e. Street trees shall not be planted closer than 2½ feet from the back of the curb.
- f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.
- g. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above driveways and roadway surfaces.
- h. Street trees shall be a minimum of two-inch caliper measured at six feet above ground level at the time of planting and shall have a mature height of at least 25 feet.
- i. Street trees shall be planted in a mulched area of at least 25 square feet.

D. *Supplemental zone.*

- 1. In supplemental zones in commercial areas where building setbacks are 15 feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.
- 2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.

E. *Street lighting.* Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the ~~director of the planning department~~ **Community Development Director or his/her designee or his designee**. Lighting shall be installed by local power company employees or contractors.

F. *Administrative variance.* An administrative variance to streetscape standards may be granted by the ~~director of planning~~ **Community Development Director or his/her designee** for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

Table 5.1. Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	22'	6'	6'	10'	80'	50'
Arterial and Collector Nonresidential and Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers
Existing Streets						

Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Nonresidential and Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers

\* Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.



Streetscape Figure—Local Streets, Single-family Residential Districts



Streetscape Figure—Local Streets, all Other Districts



Streetscape Figure—Arterial and Collector Streets

(Ord. of 8-2-2017, § 1(5.4.3))

**Sec. 5.4.4. Site and parking area landscaping.**

- A. *Single-family residential lots.* Each single-family residential lot on which new development occurs shall be planted with a minimum of three new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.
- B. *Interior strips.* Interior to nonresidential, mixed-use and multifamily developments, three-foot-wide planted landscape strips shall be required along all interior drives and pedestrian paths.
- C. *Property perimeter landscape strip.* Along nonresidential, mixed-use and multifamily development perimeter lot lines, a perimeter landscape strip shall be required, as follows:
  - 1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.
  - 2. A perimeter landscape strip shall include one overstory deciduous shade tree, or three understory or three evergreen trees, for every 50 linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.
  - 3. A perimeter landscape strip is not required where a transitional buffer is also required.
- D. *Parking area landscaping.* All surface parking lots that contain a total of 15 or more parking spaces that are constructed or redeveloped subsequent to the effective date of the ordinance from which this chapter is derived shall comply with the following requirements:
  - 1. A minimum of ten percent of the total lot area of the parking lot shall be landscaped.
  - 2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.
    - a. Barrier curbs shall be a minimum of six inches in height and six inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.
  - 3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three feet in height shall be required between surface parking and an adjacent public street right-of-way.

4. Tree and island quantity. A minimum of one tree per eight parking spaces, and one island per ten parking spaces, shall be provided.
5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of 250 square feet.
6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.
7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of 30 inches, except where such shrubs are screening the parking surface from an adjacent residential area.
8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six inches above ground level, shall be a minimum of ten feet in height at planting, shall have a 30-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least 30 inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of 75 percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.
9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within 12 months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(5.4.4))

#### **Sec. 5.4.5. Transitional buffers.**

- A. *Intent.* Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.
- B. *General requirements.* Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:
  1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
  2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
  3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
  4. Notwithstanding subsection B.3. of this section, if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than 20 percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

5. Any approved utility crossings shall be perpendicular to the transitional buffer.
  6. A pedestrian walkway, a maximum width of five feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
  7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot-high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.
- C. *Buffer planting and materials.* When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:
1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six feet at the time of planting and planted in a minimum of two rows, with staggered on center spacing such that a continuous opaque screen is created within two years of planting.
  2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.
  3. *Plant functions.* Plants shall be approved from a list made available from the planning **and zoning department division**, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.
  4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.
  5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.
- D. *Buffer dimensions and specifications.* Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b) summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a). Transitional Buffer Class by District

Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
<i>Mixed Residential Districts</i>												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
<i>Mixed-Use Districts</i>												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-

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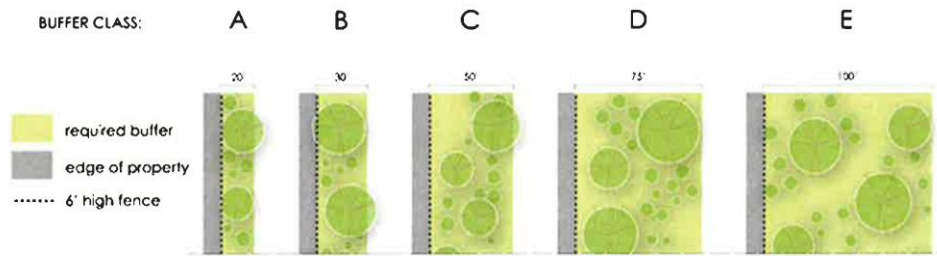
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
<i>Nonresidential Districts</i>												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-
OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

\* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached).

\*\* Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b). Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	Width
A	20'
B	30'
C	50'
D	75'
E	100' with fence



Transitional Buffers Figure

(Ord. of 8-2-2017, § 1(5.4.5))

#### Sec. 5.4.6. Screening.

Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least 75 percent evergreen, with a minimum of two rows of plants, and shall grow to a height of six feet in two years.

- A. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.

- B. *Trash and recycling areas.* All dumpsters must be screened from view on all four sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- C. *Parking decks.* All parking decks and aboveground parking structures shall have a six-foot-wide landscape strip immediately contiguous to the facade of the parking deck or structure, unless otherwise screened from view by an intervening building.
- D. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.
- E. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities designed as open space amenities may be approved by the ~~director of planning~~ **Community Development Director or his/her designee** and in compliance with division 5 of this article. A detention facility located in an historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.
- F. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

(Ord. of 8-2-2017, § 1(5.4.6))

#### **Sec. 5.4.7. Walls, fences, and retaining walls.**

- A. General.
  - 1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
  - 2. No wall or fence shall be constructed in any public right-of-way.
  - 3. See Table 5.3, Fence and Wall Standards for additional requirements.
- B. Single-family residential standards.
  - 1. Fences or free-standing walls constructed in a front yard shall not exceed four feet in height.
  - 2. No freestanding wall or fence, other than a retaining wall, shall be more than eight feet high from finished grade.
  - 3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.
  - 4. Retaining walls on lots developed with single-family dwellings shall abide by the following:
    - (1) The entire wall structure, including footer, shall not encroach on adjacent property;
    - (2) Drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes; and
    - (3) A construction/maintenance easement shall be obtained from the adjoining property owner, if applicable.

Newly constructed retaining walls shall not be higher than four feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.

- a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the ~~director of planning~~ **Community Development Director or his/her designee** that no practical alternative design of such wall is feasible, then the ~~director of planning~~ **Community Development Director or his/her designee** may, upon application therefor, grant an administrative variance allowing up to two additional feet in the applicable retaining wall maximum height limitation set forth in this subsection B.4 of this section. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.
  - b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight feet. In addition to the materials otherwise required for a variance in division 5 of article 7 of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.
- C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within 15 feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.
- D. Material composition.
1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
  2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.
- E. Security gates. Entrance gates for vehicles shall be located at least 50 feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
- F. Temporary fencing may be erected during construction for security and public safety purposes.
- G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.
- H. No freestanding wall or fence in a multifamily, nonresidential or mixed use zoning district may be more than ten feet in height.

Table 5.3. Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed
Single-family fences in the front yard	Up to four feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.

Single-family fences in side or rear yards	Up to eight feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight feet in height.
Single-family retaining walls	Up to four feet from finished or street grade. Cannot exceed eight feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four to six feet based on topography.
Single-family and Multifamily identification monument walls	In front yard, cannot exceed ten feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Nonresidential, multifamily and mixed-use zoning districts	Up to ten feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

(Ord. of 8-2-2017, § 1(5.4.7))

## ***DIVISION 5. OPEN SPACE STANDARDS***

### **Sec. 5.5.1. Applicability.**

- A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the ~~director of planning~~ **Community Development Director or his/her designee.**
- B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five acres or less than 36 residences.
- C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.
- D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.
- E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

(Ord. of 8-2-2017, § 1(5.5.1))

### Sec. 5.5.2. Maintenance, management and ownership.

- A. *Ownership and management of open space*. Open space shall be owned by one of the following entities, which shall be responsible for maintenance and management as described herein:
1. *City of Stonecrest*.
    - a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this division.
    - b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.
  2. *Land conservancy or land trust*. The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.
  3. *Homeowners or property owners association*. A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The Homeowners or property owners association organizational documents must first be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** for review to ensure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.
  4. *Recording of open space*. Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.
- B. *Maintenance of open space*.
1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state of the open space as approved by the ~~director of planning~~ **Community Development Director or his/her designee**. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.
  2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.
  3. Permitted elements as described in Table 5.6 shall be maintained in good repair.
  4. New landscaping in required open space shall be maintained such that planted materials that die within one year of the installation, shall be replaced within six months or the next appropriate planting season as determined by the city arborist.

(Ord. of 8-2-2017, § 1(5.5.2))

### Sec. 5.5.3. Standards and design.



Open Space and Enhanced Open Space Calculations

- A. Required open space shall meet the standards of Table 5.4, Enhanced Open Space: Minimum Requirements.
- B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.
- C. Prior to issuance of a land disturbance permit or building permit:
  1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the ~~director of planning~~ **Community Development Director or his/her designee**. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.
  2. A development project with residential uses not within one-half mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.
  3. For development projects with residential uses within one-half mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park shall meet with the planning **and zoning department division** to determine whether any reasonable spur connection would be possible.
    - a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.

- b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.
- D. *Enhanced open space.* Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Tables 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.
- E. *Open space and enhanced open space standards.*
1. Required open space shall conform to the zoning district requirements in article 2 of this chapter. Where Table 5.4 conflicts with article 2 of this chapter, article 2 shall prevail. Open space and enhanced open space design within an historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.
  2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.
  3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.
  4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.
  5. Below ground utilities or facilities may be located in the open space area.
  6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.
  7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.
  8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the ~~director of planning~~. **Community Development Director or his/her designee.**
- F. *Residential lots and yards.* No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4. Enhanced Open Space: Minimum Requirements

Total and Enhanced Open Space: Minimum Requirements								
	SF-RES Cottage	SF-RES Attached or Detached	Mobile Home Parks	Multifamily	Mixed- Use	Commercial/Retail	Large Retail	

Open space minimum required percent of total square footage of the development	See section 5.7.5	20 percent	10 percent	See specific zoning district	See specific zoning district	15 percent	20 percent
Enhanced open space minimum required percent	3,000 sq. ft. minimum. See section 5.8.4.	Minimum 50 percent of total open space	Minimum 25 percent of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50 percent of total open space

G. *Enhanced open space standards and types.*

- Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
- Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowner association in a form approved by the City of Stonecrest.
- Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
- Elements shown under the Permitted Elements column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the ~~director of planning~~ **Community Development Director or his/her designee** if they are consistent with the enhanced open space type.
- Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.
- Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.

Table 5.5. Enhanced Open Space Types with Minimum Size




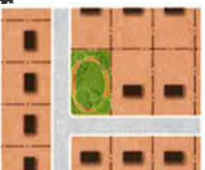

Enhanced Open Space Dimensional Standards	
Enhanced Open Space Types	Minimum Size (sq. ft.)





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Clubhouse*/pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
 <p>Clubhouse/Pool or Tennis Amenity Area</p>	Clubhouses and swimming pools must meet all applicable building and health codes.	Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts	Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement
 <p>Green</p>	A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.	Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)	Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green
 <p>Greenway</p>	Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.	Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other	Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space
 <p>Pocket Park</p>	A pocket park is a small outdoor space, usually no more than 1/4 of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.	Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)	Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents
 <p>Neighborhood Park</p>	A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.	Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks	Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
 <p>Community Park</p>	<p>Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g. lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.</p>	<p>Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)</p>	<p>Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space</p>
 <p>Square</p>	<p>A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).</p>	<p>Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains</p>	<p>Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way</p>
 <p>Plaza</p>	<p>Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.</p>	<p>Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art</p>	<p>Shall be square or rectangular with a length of not less than 1.5 of its width Shall be level, stepped or gently sloping</p>
 <p>Playground</p>	<p>A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.</p>	<p>Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles</p>	<p>Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act</p>

- H. *Phasing provisions.* If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:
1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
  2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.
- I. *Conservation or water quality.*
1. No more than 50 percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
  2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.
- J. *Prohibited uses of open space.* The following shall not be considered when calculating open space:
1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
  2. Private yards that are not subject to an open space or conservation easement.
  3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

(Ord. of 8-2-2017, § 1(5.5.3))

## ***DIVISION 6. SUPPLEMENTAL SITE IMPROVEMENTS***

### **Sec. 5.6.1. Outdoor lighting.**

Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas, such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three acres or more and for community recreation that proposes to use outdoor lighting.

**A. *Exceptions.*** This section shall not apply to the following:

1. Lighting established by a governmental authority within public rights-of-way.
2. Lighting activated by motion sensor.
3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
4. Security lighting less than two average footcandles.
5. Sites requiring fewer than five lighting fixtures.
6. In subsections A. 1. through A.5. of this section, lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.

**B. *All lighting fixtures.***

1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of 4½ footcandles of light output throughout the parking area. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
5. The minimum mounting height for a pole is 12 feet. The maximum mounting height for a pole is 25 feet, excluding a three-foot base.

**C. *Lighting plans.*** Lighting plans shall include the following:

1. The location and mounting information for each light.
2. Illumination calculations showing light levels in footcandles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.

4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.
5. An illumination summary including the minimum average and maximum footcandle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7. Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Nonresidential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

(Ord. of 8-2-2017, § 1(5.6.1))

**Sec. 5.6.2. Stormwater detention facilities.**

Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

(Ord. of 8-2-2017, § 1(5.6.2))

***DIVISION 7. BUILDING FORM AND CONFIGURATION STANDARDS*****Sec. 5.7.1. Application of standards.**

- A. This division establishes standards for the form and configuration for the following building types:
  1. Detached and attached houses;
  2. Multifamily;
  3. Live/work; and
  4. Nonresidential except industrial use buildings.
- B. Compliance review. Review of proposed development to ensure compliance with the standards of division 7 shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

- C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 8 of this chapter regarding nonconformities.

(Ord. of 8-2-2017, § 1(5.7.1))

### **Sec. 5.7.2. Exemptions and variances.**

- A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division 7.
- B. New residential infill.
  - 1. Modification of building form. Article 7 of this chapter provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.
  - 2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the ~~director of planning~~ **Community Development Director or his/her designee** for an administrative waiver from the building form standards in accordance with article 7 of this chapter.

(Ord. of 8-2-2017, § 1(5.7.2))

### **Sec. 5.7.3. Conflict with other standards and review.**

- A. *Conflict with overlay standards.* In the event the standards of this division conflict with the overlay district standards in article 3 of this chapter, as determined by the ~~director of planning~~ **Community Development Director or his/her designee**, the standards in article 3 of this chapter shall prevail.
- B. *Conflict with other provisions in the zoning code.* In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the ~~director of planning~~ **Community Development Director or his/her designee** shall prevail.
- C. *Conflict with other city standards.* In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the ~~director of planning~~ **Community Development Director or his/her designee** this division shall prevail.

(Ord. of 8-2-2017, § 1(5.7.3))

### **Sec. 5.7.4. Materials.**

- A. *Exterior building materials.*
  - 1. Except for exempted buildings described in subsection A.5. of this section, exterior wall materials of primary buildings shall consist of any of the following types:
    - a. Brick masonry;
    - b. Stone masonry;
    - c. Cement wood or fiber cement siding, including simulated half-timbering;
    - d. Hard coat stucco;
    - e. Cedar shingles or fiber cement;

- f. Textured face concrete block;
  - g. Architectural concrete;
  - h. Precast or tilt-up panel (for industrial buildings only);
  - i. Glass;
  - j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the ~~director of planning~~ **Community Development Director or his/her designee** on a case-by-case basis; and/or
  - k. Architectural accent materials as approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
2. Exterior building material requirements do not preclude solar panel installation on building roofs.
3. The following materials may be used as secondary building material or siding, up to 40 percent of total facing:
  - a. Standing seam or corrugated metal siding;
  - b. Exterior insulation and finish system (EIFS). If within three feet of grade or within six feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
  - c. Vinyl siding and other polymeric siding provided the siding shall:
    1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
    2. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency;
    3. Have a minimum thickness of 0.046 inches;
    4. Have panel projections of no less than five-eighths-inch for clapboard and Dutch lap styles;
    5. Have double (rolled over) nail hem, up to 0.92-inch nominal thickness strength;
    6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
    7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.
4. The following exterior building materials shall be prohibited on all buildings:
  - a. Plywood;
  - b. Common concrete block;
  - c. Oriented strand board (OSB).
5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3. of this section, provided:

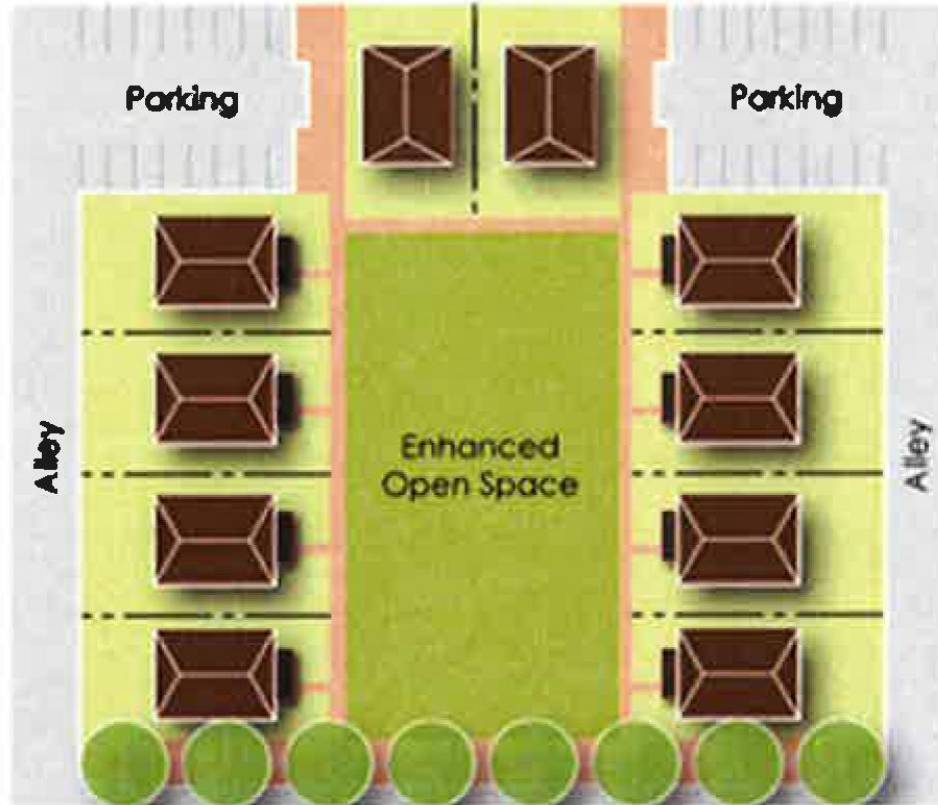
- a. Such structures are located interior to the site with an intervening building facing the street.
  - b. If materials in subsection A.3. of this section are used as primary exterior building materials, at least 30 percent of total facade area shall be brick or stone masonry.
- B. *Arrangement of materials.*
  - 1. Where two or more materials are proposed to be combined on a facade, the heavier and more massive material shall be located below the lighter material.
  - 2. Material changes on a facade shall occur along a continuous horizontal line or where two building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
  - 3. Primary facade materials shall wrap around at outside building corners for at least four feet.
- C. *Roof and accessory structure materials.*
  - 1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for the purposes of building form regulations.
  - 2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structures.

(Ord. of 8-2-2017, § 1(5.7.4))

### **Sec. 5.7.5. Detached houses.**

- A. This section shall apply to the following housing types:
  - 1. *Conventional single-family detached.* A development with one dwelling unit per lot of record with private yards on all four sides.
  - 2. *Single-family cottage.* A development with one or 1½ story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.
  - 3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.
- B. Dimensional and use requirements. Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.





Cottage housing orientation

## C. Orientation.

1. Lots along the perimeter of a development of single-family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a 20-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
2. Single-family cottage lots shall be oriented toward the enhanced open space.
3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development, provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.

## D. Each dwelling unit shall be metered for water individually.

E. An easement for water and sewer shall be required and subject to the approval of the ~~director of planning~~ Community Development Director or his/her designee.

## F. Access driveway, internal private drive and alley standards.

1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than 30 feet of frontage and be located no more than 200 feet from the unit's entrance. The alley shall be at least 20 feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the ~~director~~ Community Development Director or his/her designee for one-way direction only.

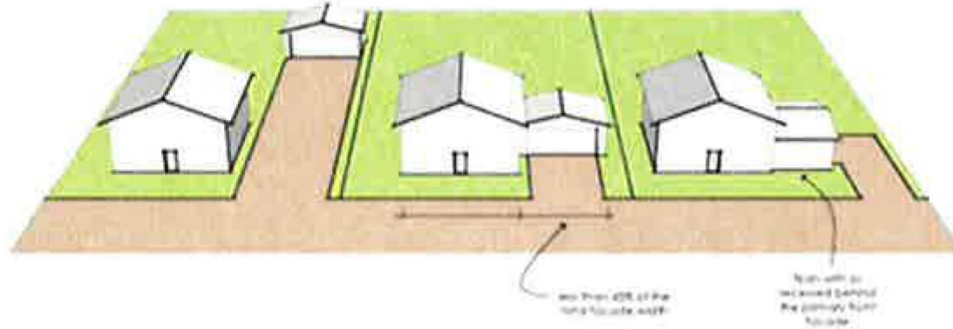


2. Single-family detached residences may share a driveway serving two lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten feet of drive.
- G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.7.6C.4.
- H. Driveways shall not exceed ten feet between garage door and sidewalk.
- I. Maximum size.
1. Conventional single-family detached residences shall follow the requirements set forth in article 2 of this chapter.
  2. Single-family cottages shall not exceed a building footprint of 800 square feet and gross floor area of 1,200 square feet.
- J. Architectural variability.
1. Residential subdivisions of three or more lots intended for conventional single-family detached residences shall include distinctly different front facade designs within each phase of the development. The term "distinctly different" shall mean that each front facade must differ from adjacent buildings' front facades in at least four of the following six ways:
    - a. The use of different primary exterior materials;
    - b. Variation in the width or height of the front facade by four feet or more;
    - c. Variation of the type, placement or size of windows and doors on the front facades;
    - d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
    - e. Variation in the location and proportion of front porches; and
    - f. Variation in the location or proportion of garages and garage doors.
  2. No conventional single-family detached residence shall be of the same front facade design as any other conventional single-family detached residence along the same block face within eight lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
  3. No single front facade design may be used for more than 25 percent of the total units of any single phase of a conventional single-family detached residence subdivision.
- K. Porches and stoops. Any porch shall have minimum dimensions of four feet by eight feet for porches, and any stoop shall have minimum dimensions of four feet by four feet. Porches and stoops shall be no closer than two feet from a utility easement.
- L. Facades. Any conventional single-family detached residence with a front facade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front facade plane. Wall offsets shall have a minimum depth or projection of two feet so that no single wall plane exceeds 25 feet in width.
- M. Roof and overhangs. Conventional single-family detached residences shall incorporate the following standards:
1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.
  2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
  3. Overhanging eaves shall extend at least 12 inches beyond the exterior wall.

4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or configured to have a minimal visual impact as seen from an adjacent street.

N. Garages. The following standards shall apply:

1. Street-facing garage facades shall not comprise more than 45 percent of the total width of the conventional single-family detached residence's front facade. Street-facing garages shall be at least two feet behind the primary front facade plane of a conventional single-family detached residence.



Acceptable Garage Configurations

O. Enhanced open space.

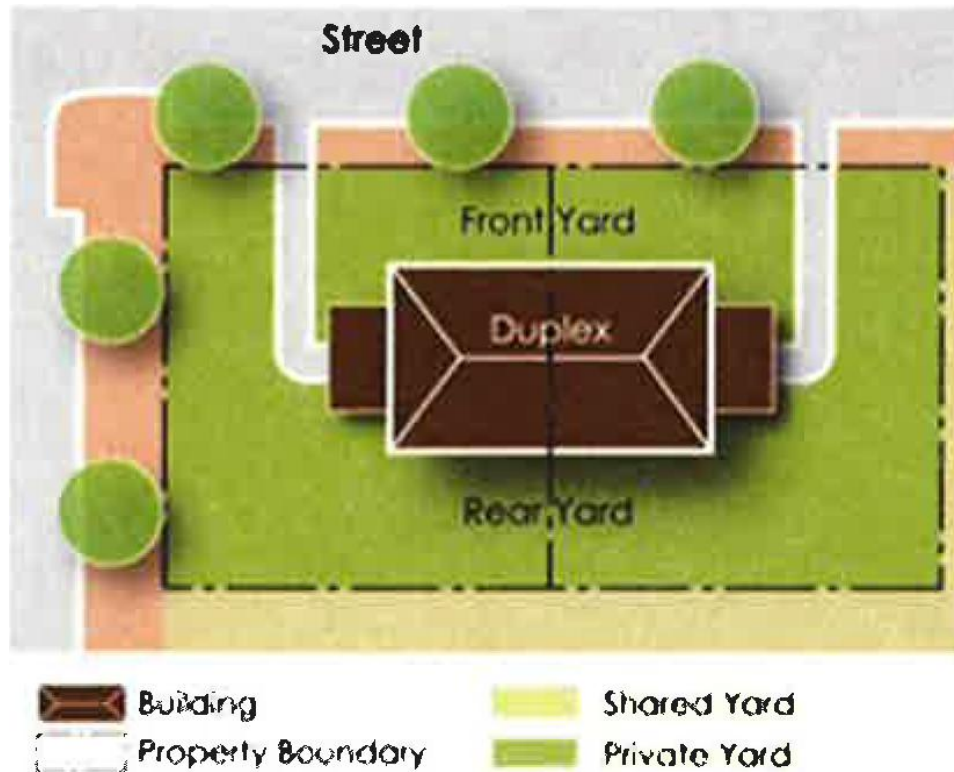
1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2 of this chapter) and the standards of article 5, division 5 of this chapter, open space standards.
2. Cottage residential development enhanced open space.
  - a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of 3,000 square feet or 400 square feet per cottage served by the enhanced open space, whichever is greater.
  - b. The enhanced open space green shall have a minimum dimension of 20 feet on each side.
  - c. At least two sides of the enhanced open space green shall have cottages along its perimeter.

(Ord. of 8-2-2017, § 1(5.7.5))

### Sec. 5.7.6. Single-family attached buildings.

Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

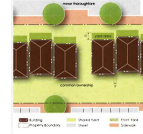
- A. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two or three attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two lots, whereby each unit is located on its own lot.



Single-Family Attached Housing on Two Lots

- B. Fee simple condominium. One or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.
- C. Single-family attached, and townhouse developments shall meet the following standards.
1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.
  2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.

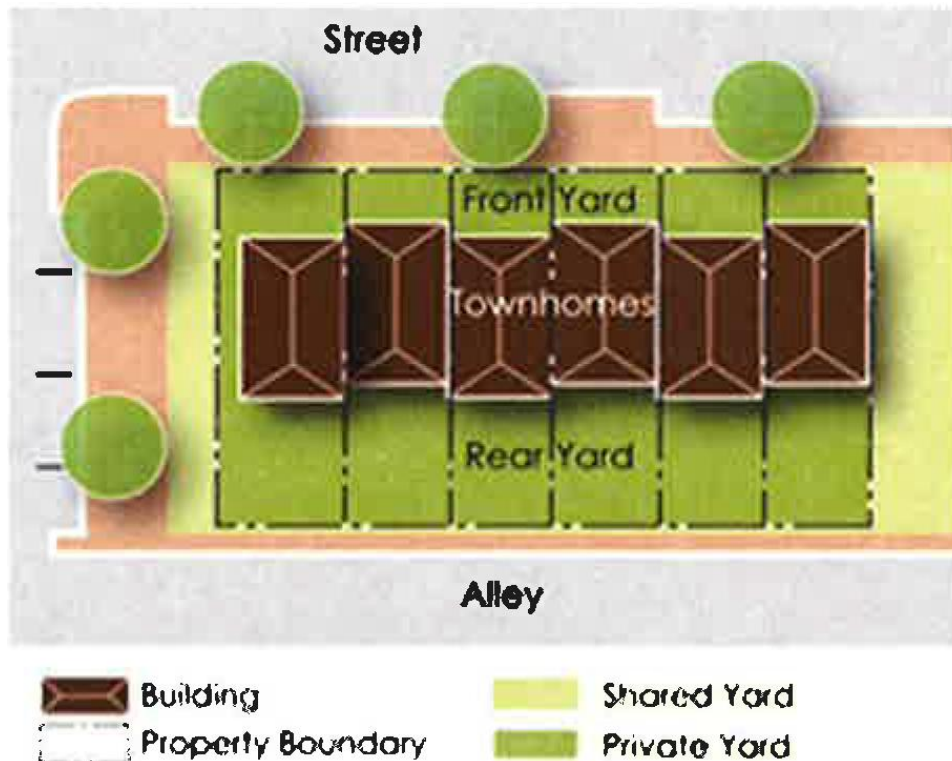
	<p>Traditional Townhouse lot: Townhomes which include yards on the individual property.</p>
<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).</p>	

	<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>		<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>
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3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
  - a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.
  - b. Private drives shall have a minimum 22-foot road width measured from back of curb to back of curb.
  - c. Private drives shall have the same base and paving specifications as required for public streets.
  - d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
  - e. Private drives shall be maintained in accordance with chapter 14.
4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street 50 feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than 200 feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
  - a. Alleys shall be at least 12 feet wide, subject to the standards of IFC 503.
  - b. Dead end alleys over 150 feet in length are prohibited.
11. Ownership.
  - a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
  - b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
  - c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

- D. Building orientation. The primary entrance and front facade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.
- E. Each dwelling unit shall be metered for water individually.
- F. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.
- G. Roofs. Roofs of attached residential buildings shall comply with the following standards:
  - 1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and similar features. Overhangs allowed on principal structures shall be no less than 12 inches.
  - 2. Mono-pitch roofs shall have a minimum pitch of 4:12.
  - 3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.
  - 4. Roof forms shall be designed to shelter building entrances.
- H. Roof penetrations and equipment. To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.
- I. Facades. For the purposes of this subsection, a building facade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following facade standards:
  - 1. Facades facing a street shall provide doors, porches, balconies, or windows in the following ratios:
    - a. A minimum of 60 percent of front facade; and
    - b. A minimum of 30 percent of side and rear building facades.
  - 2. All front facades shall provide a minimum of three of the following design features for each residential unit:
    - a. Projections or recesses in the facade plane that contrast with an adjoining unit, with a minimum depth or projection of one foot;
    - b. Exterior building materials or colors different from the materials or colors of the other units;
    - c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);
    - d. A dormer window, cupola, turret, tower, or canopy;
    - e. A recessed entrance;
    - f. A covered porch or balcony;
    - g. Pillars, posts, or pilasters;
    - h. A box or bay window with a minimum 12-inch projection from the facade plane;
    - i. Eaves with either exposed rafters or a cornice projecting a minimum 12 inches from the facade plane; or

- j. A parapet wall with an articulated design that varies in height.
  - 3. Front facades should be varied to avoid long, flat building fronts so that no more than 20 percent of the front facades of the units in the same building are substantially the same, unless designed as brick row houses.
- J. Garages.
- 1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with subsection C.5 of this section for pedestrian and vehicle separation plan.
  - 2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K. of this section, off-street parking.
  - 3. Garage entrances shall be set back between three and ten feet from adjacent streets and sidewalks.
  - 4. Garage entrances shall be set back a minimum of three feet and a maximum of ten feet from alleys.
- K. Off-street parking.
- 1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than 30 percent of the primary street frontage for the attached residential building.



Off-Street Parking on the Side of Attached Residential Buildings

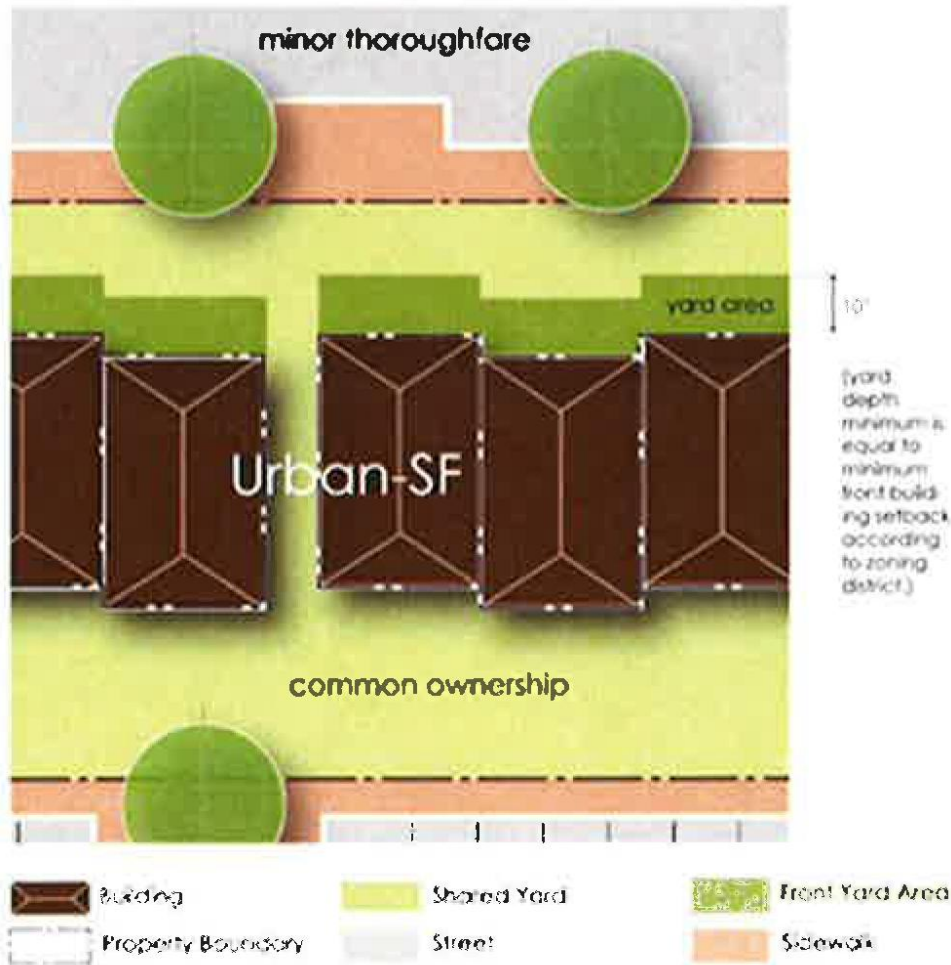
2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than 200 feet from the unit's entrance.
- L. The architectural features of a parking deck or structure shall be compatible with the primary buildings.
- M. Streetscape design. Single-family attached residential developments shall comply with the streetscape design standards in division 4 of this article.

(Ord. of 8-2-2017, § 1(5.7.6))

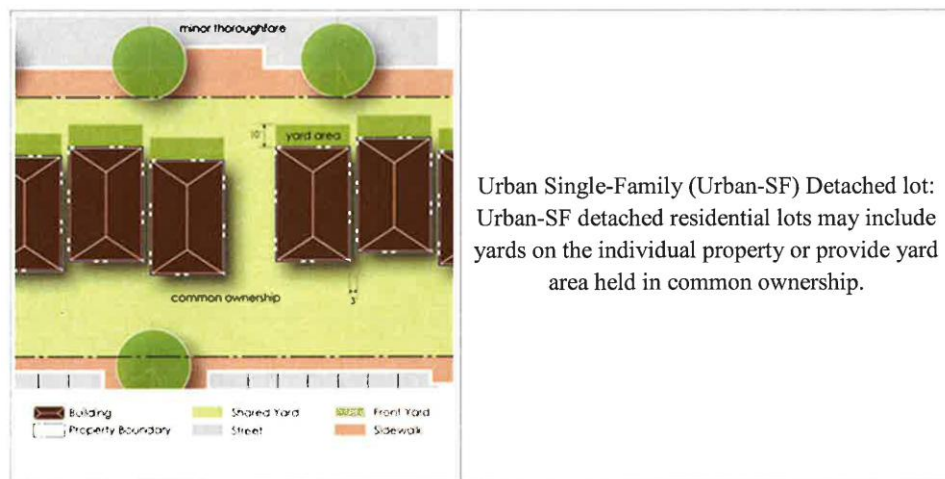
#### **Sec. 5.7.7. Multifamily, nonresidential, live/work and mixed-use buildings.**

- A. Multifamily residential building and nonresidential buildings include the following building types: multifamily low rise (three stories and fewer); multifamily high rise (four stories and greater); live/work buildings; and large-scale retail.
  1. Multifamily residential buildings contain four or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one below the other (also known as "stacked townhouses") are also considered multifamily residential buildings.
  2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed 60,000 square feet in size.
  3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than 33 percent of the unit's total floor area. Within two-story live/work buildings, nonresidential uses shall be located on the ground floor only. Within single story units, the nonresidential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multifamily residential orientation shall comply with section 5.7.6.
- B. All development types other than single-family, shall comply with the following:
  1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.
  2. Building plane and scale.
    - a. Building facades shall not exceed 40 feet in length without projections, recesses or other architectural features.
    - b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and nonresidential districts shall have windows and/or doorways that occupy at least 25 percent of the width of the first floor street-level front facade.





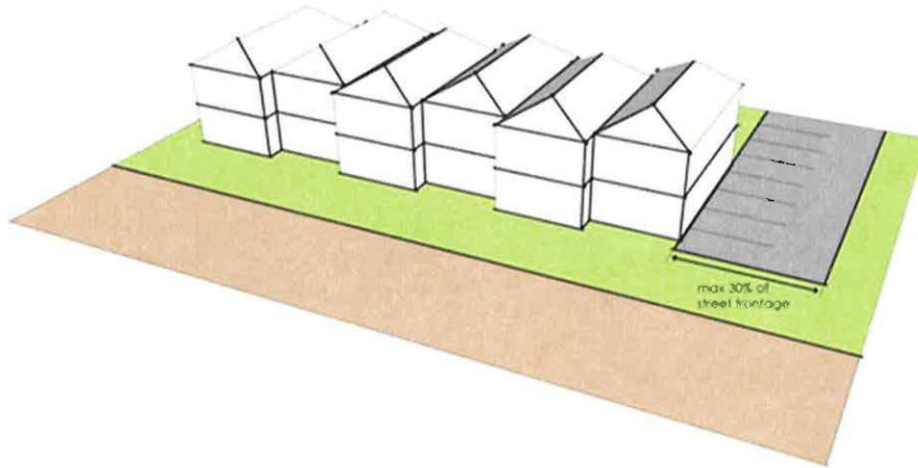
- c. All buildings regulated by this section that are four stories or greater shall:
1. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).





## Building Articulation: Clearly defined base, middle and top

2. Provide side step-backs at the fourth story when adjacent to the side of another building four stories or greater and along a private or public street.



## Side step-backs between mid-and high rise buildings

- C. Roofs.
  1. Multifamily low-rise buildings regulated by this section shall have roof design and features that comply with section 5.7.6.G.
  2. Multifamily buildings adjacent to a courtyard may be designed with a flat roof.
  3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of 50 percent of the length of the roofline facing a public street.
  4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front facade.
- D. Parking configuration. Nonresidential and mixed-use buildings, shall:
  1. Have no more than one double row of parking within the front yard where there is no intervening building between parking and the street; and
  2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.
- E. Multifamily developments shall meet the building separation requirements provided in section 5.2.1.B.
- F. Off-street surface parking lots (including access and travel ways) consisting of five or more spaces shall be located on the side or to the rear of a multifamily structure or development.
- G. Multifamily housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five percent of the total area of the lot or 4,000 square feet, whichever is greater.
- H. Low-rise multifamily building types. The following low-rise multifamily buildings shall be allowed, provided they meet the requirements set forth herein:

1. *Mansion.* The mansion style low-rise multifamily building shall have four to eight units within the structure, which shall be distinguished as a building designed to appear as a typical single-family detached home.
2. *Courtyard.* The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three sides.
  - a. Minimum width of the courtyard is 30 feet and depth is 15 feet.
  - b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
3. *All other.* To reduce massing and promote livability, all other low-rise multifamily building types shall provide:
  - a. Functional balconies for all exterior units;
  - b. Landscaping around each building within ten feet of building and along both sides of all internal sidewalks.
- I. Multi-building nonresidential development, excluding industrial. Buildings in a nonresidential development composed of multiple buildings totaling 100,000 square feet or more for the whole development shall:
  1. Be configured to break up the site into a series of smaller blocks defined by streets with pedestrian walkways forming an interconnected circulation route;
  2. Face the corner of an existing street intersection or entry point to the development;
  3. Frame and enclose:
    - a. A main street pedestrian or vehicle access corridor entering the development site;
    - b. At least three sides of parking areas, public spaces, or other site amenities; and
    - c. Provide outdoor gathering spaces for pedestrians between buildings.
- J. Outparcel development.
  1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
  2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

(Ord. of 8-2-2017, § 1(5.7.7); Ord. No. 2021-06-03, § 1(Exh. A, § DD), 8-23-2021)

### **Sec. 5.7.8. Large-scale retail; additional standards.**

- A. *Entrances.*
  1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three of the following elements:
    - a. Projecting or recessed, covered entrance;
    - b. Distinct roof form above entrance shall include at least one of the following:
      1. Roof overhangs;
      2. Awnings, canopies or porticos;
      3. Raised corniced parapets;

4. Gabled or peaked roof form;
  5. Arches;
  - c. Display windows directly adjacent to the entrance;
  - d. Architectural details and ornamentation emphasizing the building entrance;
  - e. Arcades connecting the entrance to adjacent pedestrian attractions;
  - f. Outdoor plaza with a minimum depth of 20 feet adjacent to the entrance and having seating and a water feature or landscaping; or
  - g. Landscape areas or seating areas.
- B. *Off-street parking.*
1. Parking for large-scale retail development shall be distributed around the principal structure on at least two sides.
  2. No more than 50 percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.
- C. *Pedestrian circulation.*
1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.
  2. Internal pedestrian walkways and sidewalks shall be at least five feet in width.
  3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.
  4. Sidewalks shall be provided for the principal building along any facade featuring a public entrance and along any facade leading to a public parking area.
  5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.
- D. *Landscaping.* In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:
1. *Building frontage.* Beginning 15 feet from the principal customer entrance, along the building facade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight feet tall at installation. Trees required herein shall be spaced no more than 100 feet apart.
  2. *Landscape strip.* A landscape strip at least 15 feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the 15 feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.
  3. *Walkways.* Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every 120 feet perpendicular to street frontages.

E. *Open space and enhanced open space areas.*

1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.
2. Sites containing one or more large-scale retail building shall include an outdoor gathering space equal to at least three percent of the total square footage of the building.
3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three of the following features per space:
  - a. Lighted bollards;
  - b. Tables and chairs;
  - c. Fountains or other water features;
  - d. Benches;
  - e. Seat walls and/or raised landscape planters;
  - f. Shade trees lining the gathering space;
  - g. Pots or hanging baskets filled with seasonal plant material;
  - h. Information kiosks;
  - i. Sculptures or other public art features; or
  - j. Other features as approved by the ~~director of planning~~ **Community Development Director or his/her designee** if the feature enhances the visual impact of the outdoor gathering space.

(Ord. of 8-2-2017, § 1(5.7.8))

## **ARTICLE 6. PARKING**

### **Sec. 6.1.1. Introduction.**

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

### **Sec. 6.1.2. Interpretation.**

- A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.
- B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the ~~director of planning~~ **Community Development Director or his/her designee** shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the ~~director of planning~~ **Community Development Director or his/her designee** reasonably determines that a parking generation study should be prepared by a qualified professional, the ~~director of planning~~ **Community Development Director or his/her designee** may require submission of such a study to aid the ~~director of~~

~~planning~~ **Community Development Director or his/her designee** in making a determination with respect to the number of required parking spaces.

- C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the ~~director of planning~~ **Community Development Director or his/her designee** may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

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

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

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
  - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
  - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
  - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
  - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
  - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
  - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
  - 7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
  - 8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
    - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;

- (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
- (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

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

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

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16'	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on paved surfaces for any industrial use for truck parking (commercial truck parking lot) shall be permitted as a principal use on parcels zoned M or M-2, provided that:
  - a. The parking area shall be screened from the view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
  - b. The parking area shall be at least 25 feet from the street right-of-way.
  - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
  - d. Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);
  - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
  - f. The commercial truck parking lot shall be a minimum of five acres.
  - g. All existing parking lots that have an active business license with the gravel parking are legally nonconforming. Any modification to those parking lots requires compliance with the current ordinance.

11. Paved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
  - a. The parking area shall be at least 750 feet from the boundaries of a residentially zoned parcel;
  - b. Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);
  - c. Parking areas shall be inspected by the City of Stonecrest, or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at the time of annual business license renewal, and this inspection report must be approved by the Building ~~Department~~ Division prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be.

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018; Ord. No. 2023-08-01, § 1(Exh. A), 8-28-2023)

#### **Sec. 6.1.4. Off-street parking ratios.**

- A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 6.1.5.
- B. In residential districts in which garage space is provided, the garage space may count for no more than one required space per 200 square feet of garage space.
- C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.
- D. Minimum and maximum parking ratios. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 6.2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.
- E. Phased development. Where a project is intended to be developed in phases, the ~~director of planning~~ Community Development Director or his/her designee may approve phased development of a parking lot intended to serve current and future development.
- F. Reduction of minimum parking requirements. The minimum number of required spaces described in Table 6.2 for a particular use may be reduced by ten percent by the ~~director of planning~~ Community Development Director or his/her designee pursuant to an administrative variance in compliance with article 7 of this chapter. If the use is within 1,000 feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by 25 percent in accordance with article 7 of this chapter.
- G. Carpool/vanpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:
  1. At least five percent of the parking spaces on-site must be reserved for carpool use.
  2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 6.1.16, this subsection shall prevail.

3. Signs shall be posted identifying spaces reserved for carpool use.

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
<i>Residential</i>		
Detached single-family dwelling	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Two-family and three-family dwellings	One space per dwelling unit.	Four spaces per dwelling unit.
Detached single-family condominium	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Attached single-family dwelling	1½ spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Child daycare facility	Two spaces.	Four spaces.
Child care institution, group	Two spaces.	Four spaces.
Child care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Live Work dwelling	Two spaces per unit.	Four spaces per unit.
<i>Institutional</i>		
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One parking space for each fleet vehicle plus one-half space for each administrative or service employee.	One parking space for each fleet vehicle plus three-quarter space for each administrative or service employee.

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(Supp. No. 4)



Child daycare center	One space for each 400 square feet of floor area.	One space for each 300 square feet of floor area.
Convent or monastery	One space for each 400 square feet of floor area.	One space for each 200 square feet of floor area.
Funeral home	One space for each 400 square feet of floor area	One space for each 200 square feet of floor area.
Hospital and similar institutional use	One space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter space per bed	One-half space per bed
Kindergarten	One space per 300 square feet of floor area.	One space per 200 square feet of floor area.
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One space for each four seats in the largest assembly room.	One space for each two seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One space for each 40 square feet of floor space in the largest assembly room.	One space for each 20 square feet of floor space in the largest assembly room.
Private elementary and middle school	1½ spaces for each classroom.	Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Private high school	Three spaces for each classroom.	Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Colleges, including trade, vocational, and commercial vocational schools	Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.	No maximum.
<i>Recreational</i>		
Athletic Field	20 spaces per field.	60 spaces per field.
Bowling alley	Four spaces for each alley.	Five spaces for each alley.
Driving range	One space per tee	1½ spaces per tee
Miniature Golf	12 spaces	20 spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One space for each 200 square feet of floor area.	One space for each 100 square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	One space per 10 homes.	One space per five homes.

Public or private golf course	15 spaces per nine holes.	30 spaces per nine holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One space for each 300 square feet of floor area.	One space for each 125 square feet of floor area.
Special events facilities	One space for each 200 square feet of space used for such activity.	One space for each 100 square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One space for each 300 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 300 square feet of area within the tent enclosure.	One space for each 200 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.
<i>Commercial</i>		
Adult daycare center	Two spaces	Four spaces
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Car wash	Two stacking spaces for each car wash lane plus two drying spaces per lane.	Three stacking spaces for each car wash lane plus three drying spaces per lane.
Convenience Store without gas pumps	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Convenience Store with gas pumps	One space per 500 square feet of floor area	One space per 150 square feet of floor area.
Grocery Store	One space per 500 square feet of floor area.	One space per 200 square feet of floor area.
Hotel or motel	One space per lodging unit, plus one space per each 150 square feet of banquet, assembly, or meeting area.	1 2/10spaces per lodging unit, plus one space per each 100 square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One space for each 1,000 square feet of floor area	One space for each 300 square feet of floor area
Office, Professional	One space for each 500 square feet of floor area.	One space for each 250 square feet of floor area.
Offices, Doctor and Dentist	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One space for each 150 square feet of floor area, but not less than ten spaces.	One space for each 75 square feet of floor area, but not less than ten spaces.

Late Night Establishment	One space for each 300 square feet of floor area with a minimum of ten spaces.	One space for each 150 square feet of floor area with a minimum of ten spaces.
Nightclub	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 150 square feet of floor area, but not less than ten spaces.
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
<i>Industrial</i>		
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One space for each 2,000 square feet of floor area.	One space for each 1,300 square feet of floor area.
Self-storage (mini or multi)	One space for each 20-storage unit	No maximum
Warehouse, distribution	One space for each 2,500 square feet of floor area.	One space for each 500 square feet of floor area.
Wholesale membership club	One space for each 500 square feet of floor area	One space for each 200 square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.	One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.

(Ord. of 8-2-2017, § 1(6.1.4); Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

### Sec. 6.1.5. Off-street parking reduction for shared parking.

Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the ~~director of planning~~ **Community Development Director or his/her designee** shall be executed prior to issuance of any certificates of occupancy for the development.

In any shared parking agreement, at least 50 percent of shared parking spaces must lie within 700 feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within 1,000 feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the ~~director of planning~~ **Community Development Director or his/her designee** and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owners in violation of this zoning ordinance.

The steps for determining parking requirements in a mixed use development are:

- A. Determine the minimum amount of parking required for each separate use (Table 6.2).
- B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- C. Calculate the column total parking requirement for each time period.
- D. The largest column total is the shared parking requirement.
- E. Example of shared parking calculation:

If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

Office: 400 spaces;

Retail: 300 spaces; and

Restaurant uses: 100 spaces;

With a total parking for individual use on-site: 800 spaces.

Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 6.4 (by applying the percent reduction in Table 6.3):

Table 6.3. Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.

Office	100 percent	10 percent	5 percent	10 percent	5 percent
Retail	60 percent	90 percent	10 percent	100 percent	70 percent
Hotel	75 percent	90 percent	100 percent	75 percent	90 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	100 percent
Entertainment/Recreational	40 percent	100 percent	10 percent	80 percent	100 percent
Church	25 percent	60 percent	10 percent	100 percent	100 percent

Table 6.4. Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of 170 required spaces.

(Ord. of 8-2-2017, § 1(6.1.5))

#### Sec. 6.1.6. Shared driveways and interparcel access.

- A. *Applicability.* This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.
- B. *Shared driveways.* Shared driveways between two parcels along a common property line may be required by the planning commission during subdivision plat review or by the ~~director of planning~~ **Community Development Director or his/her designee** during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.
- C. *Interparcel access requirements.* Interparcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the ~~director of planning~~ **Community Development Director or his/her designee** during the land disturbance permitting process determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission from the abutting property owners for such interparcel access.

(Ord. of 8-2-2017, § 1(6.1.6))

### **Sec. 6.1.7. Number of handicapped parking spaces required.**

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

(Ord. of 8-2-2017, § 1(6.1.7))

### **Sec. 6.1.8. On-street parking.**

On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

(Ord. of 8-2-2017, § 1(6.1.8))

### **Sec. 6.1.9. Parking structures.**

The following requirements shall apply for parking structures:

- A. *Minimum setbacks.* Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.
- B. *Maximum height.* Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.
- C. *Architectural features and facades.*
  - 1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on facades facing public rights-of-way.
  - 2. Architectural features and facades for parking structures shall be compatible with abutting structures.
- D. *Orientation.* Parking structures shall be oriented to the interior of the parcel by adhering to the following:
  - 1. Residential dwelling units, retail storefronts or office facades shall line the parking structure along all first floor facades adjacent to a street, excluding alleys and driveways.
  - 2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

(Ord. of 8-2-2017, § 1(6.1.9))

### **Sec. 6.1.10. Parking area landscaping.**

See parking area landscaping requirements in section 5.4.4.

(Ord. of 8-2-2017, § 1(6.1.10))

### Sec. 6.1.11. Paving surfaces.

- A. Typical paving surfaces. The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.
- B. Alternative paving surfaces may be used for the number of spaces that exceed 105 percent of the minimum required spaces subject to the confirmation by the ~~director of planning~~ **Community Development Director or his/her designee** of the pervious nature of the alternative paving material and the numerical calculations.
  - 1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.
  - 2. Driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:
    - a. Uses within 50 feet of environmentally sensitive areas identified in the comprehensive plan;
    - b. Uses which require parking for less than five days per week during a typical month; and
    - c. Parks, playgrounds, and other similar outdoor recreation areas with less than 200 parking spaces.

(Ord. of 8-2-2017, § 1(6.1.11))

### Sec. 6.1.12. Stacking spaces.

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the street from the junction of the two street curb lines to the nearest edge of the entrance.

(Ord. of 8-2-2017, § 1(6.1.12))

### Sec. 6.1.13. Valet parking requirements.

All valet parking services shall meet the following requirements:

- A. Valet parking services shall only use off-street parking to park customer vehicles.
- B. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

(Ord. of 8-2-2017, § 1(6.1.13))

### Sec. 6.1.14. Off-street loading requirements.

- A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 6.5. Off-street loading space requirements

Off-street loading requirements		
Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required

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(Supp. No. 4)

Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1
	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multifamily residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers		2

- B. Design and arrangement of off-street loading areas. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:
1. A loading space shall measure no less than 12 feet by 35 feet and have no less than 14 feet of vertical clearance.
  2. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
  3. For manufacturing and warehousing uses, all loading spaces shall measure no less than 12 feet by 55 feet.
  4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.



- C. Off-street loading and maneuvering location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
  - 1. Industrial zoning districts. If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a 50-foot landscaped strip shall be established between the nonindustrial zoning district and the off-street loading spaces and maneuvering area.
- D. Screening of loading areas. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.
- E. Enclosure of dumpsters and trash compactors. All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six feet in height.

(Ord. of 8-2-2017, § 1(6.1.14))

#### **Sec. 6.1.15. Parking of trailers in residential districts.**

- A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten feet from side property line, whichever is less; or within ten feet of the rear lot line.
- B. No recreational vehicle or trailer may be occupied for human habitation for more than 14 consecutive days while parked within a residential zoning district.
- C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
- D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.
- E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding 15 consecutive days, or a total of 30 days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

(Ord. of 8-2-2017, § 1(6.1.15))

#### **Sec. 6.1.16. Alternative fuel vehicles parking.**

- A. *Where required.* Preferential parking for alternative fuel vehicles shall be provided for all new nonresidential parking areas containing 100 or more parking spaces, and for new parking areas of mixed-use projects where the nonresidential portion of the project requires 100 or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.
- B. *Required number of spaces.* At least two percent of all parking spaces in parking lots identified in subsection A. of this section shall be designated for preferential parking for alternative fuel vehicles.
- C. *Location of parking spaces.* The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements,

or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

- D. *Signage required.* Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.
- E. *Existing vehicle recharging stations.* Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

(Ord. of 8-2-2017, § 1(6.1.16))

### **Sec. 6.1.17. Bicycle/moped parking requirements.**

- A. A building, commercial establishment, recreation area, or other property, whether privately or publicly-owned or -operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one bicycle/moped parking space for every 20 required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three, nor be required to have more than 50 bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.
- B. All bicycle/moped spaces shall be located within 250 feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten inches by 15 inches shall be displayed that directs cyclists to the bicycle/moped parking.
- C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.
- D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(Ord. of 8-2-2017, § 1(6.1.17))

## **ARTICLE 7. ADMINISTRATION**

### **DIVISION 1. GOVERNING BODIES AND AUTHORITY**

#### **Sec. 7.1.1. Purpose and intent; compliance with law.**

- A. This article is intended to provide certain procedures to govern.
  - 1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
  - 2. The calling and conducting of public hearings pertaining to said applications.

3. Establishing criteria for making decisions on such applications.
  - B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.
- (Ord. of 8-2-2017, § 1(7.1.1))

### Sec. 7.1.2. Governing bodies.

#### A. ~~Director of planning.~~ **Community Development Director**

1. The provisions of this zoning ordinance shall be administered by the ~~director of planning or his designee~~, **Community Development Director or his/her designee** in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the ~~director of planning~~ **Community Development Director or his/her designee** shall include, but not be limited to, the following:
  - a. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.
  - b. Researching facts and preparing recommendations for the planning commission and the city council for such applications.
  - c. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.
  - d. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.
  - e. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.
  - f. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the ~~director of planning~~ **Community Development Director or his/her designee** may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.
  - g. Administratively correct the official zoning map after a graphic or scrivener error has been identified.
  - h. Other duties as authorized in this zoning ordinance, including, but not limited to, the rendering of administrative decisions authorized by division 6 of this article.

#### B. *Training and Education of Boards and Commissions.*

1. Members of the Planning Commission and Zoning Board of Appeals shall attend by the 365th day of their term of appointment or re-appointment one or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Section 2.6.17.b).

2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the ~~Planning and Zoning Director~~ **Community Development Director or his/her designee** are relevant to the activities, operations, and duties of said board or commission. (Section 2.6.17.e)

C. *Reserved.*

D. *Planning Commission.*

1. There is hereby established a Planning Commission which shall consist of five members, all residents of the City of Stonecrest, who shall be appointed as follows:
  - a. The Mayor shall appoint one member from each district, subject to confirmation by the city council.
  - b. Each member shall serve a term of two years. However, the initial term of all initial planning commissioners first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
2. A planning commissioner shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the commission. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the planning commission to the city council. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County. If a planning commission member moves outside the district from which he was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.
3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the ~~director~~ **Community Development Director or his/her designee** as having completed a training session sponsored by the city or designated by the city.
4. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district \_\_\_\_\_ and the City of Stonecrest. I will perform the duties of my office in the best interests of

the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.
6. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
7. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.
8. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.
9. A quorum of the planning commission shall consist of at least three members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
10. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the commission's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The ~~director of planning or his designee~~ **Community Development Director or his/her designee** may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning ~~and zoning department division~~ and shall be a public record.

E. *Zoning board of appeals.*

1. There is hereby established a zoning board of appeals which shall consist of five members, each of whom shall be a resident of the city. Each member shall serve a term of two years. The Mayor shall appoint one member from each district, subject to confirmation by the city council. A member of the zoning board of appeals shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the board. It shall be the duty of the secretary of the zoning board of appeals

to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the zoning board of appeals to the city council. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Members of the zoning board of appeals may be reappointed to successive terms without limitation. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County. If a member of the zoning board of appeals moves outside the district from which he was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.

2. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the ~~director~~ Community Development Director or his/her designee as having completed a training session sponsored by the city.
3. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district \_\_\_\_\_ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

4. Each member shall serve a term of two years. However, the initial term of all initial members first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.
6. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.
7. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of

the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.

8. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.
7. A quorum of the zoning board of appeals shall consist of at least three members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
8. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the board's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
9. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The ~~director of planning or his designee~~ **Community Development Director or his/her designee** may serve as secretary to the zoning board of appeals. The planning ~~and zoning department division~~ staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning ~~and zoning department division~~ **division** and shall be a public record.
10. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

(Ord. of 8-2-2017, § 1(7.1.2); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

## ***DIVISION 2. GENERAL PROCEDURES***

### **Sec. 7.2.1. Applications and public hearing.**

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

(Ord. of 8-2-2017, § 1(7.2.1))

### **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~~ **Community Development Director or his/her designee**

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~~ **and zoning division**.

- 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~~ **and zoning division**.
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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** *to be noted on official zoning maps.* The clerk shall, after any final action taken by the city council, provide to the **Community Development Director or his/her designee** a signed, certified copy of each such action. The ~~director of planning~~ **Community Development Director or his/her designee** 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 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.~~  
Community Development Director or his/her designee.
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.~~  
Community Development Director or his/her designee.
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.~~  
Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(7.2.2); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

### **Sec. 7.2.3. Reserved.**

(Ord. of 8-2-2017, § 1(7.2.3))

### Sec. 7.2.4. Public hearings.

- A. *Zoning decisions.* The term "zoning decision" is defined in article 9 of this chapter by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.
- B. *Zoning decisions initiated by the city.* For any zoning decision initiated by the city at least 15 but not more than 45 days prior to the date of the public hearing before the city council, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
- C. *Zoning decisions delegated* to a quasi-judicial officer, board, or agency by the city, such as the zoning board of appeals, shall provide for a hearing when hearing the appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative zoning permits, special exceptions, conditional use permits, or other similar permits, as set forth in state law, O.C.G.A. 36-66-3 (1.1).
  - 1. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing.
  - 2. The city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
  - 3. Additional notice being mailed to the owner of the property that is the subject of the proposed action.
- D. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:
  - 1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the ~~director of planning~~ Community Development Director or his/her designee to all owners of property within 1,000 [feet] of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.
  - 2. Signs shall be posted on the subject property at least 15 days and not more than 45 days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. One additional sign shall be posted for each additional 500 feet of frontage or fraction thereof in excess of 500 feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning ~~and zoning department division~~.
  - 3. One notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.
  - 4. A dated photograph of each sign shall be submitted by the applicant to the ~~director of planning~~ Community Development Director or his/her designee as evidence of its proper posting.

5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least 15 days and not more than 45 days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, and the city council, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable. Notice for decisions by quasi-judicial officers, boards, or agencies shall be in the manner described in Section 7.2.4.(C).
  - E. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of O.C.G.A. 36-66-3 for the same property, only one hearing shall be required.
- (Ord. of 8-2-2017, § 1(7.2.4); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

### **Sec. 7.2.5. Community impact notification.**

#### **A. Applicability.**

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
2. This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.

#### **B. Requirements.**

1. *Council notification.* The Chief Building Official shall provide notification to the pertinent district councilmember.
2. *Posted notice.* Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

(Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

## ***DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES***

### **Sec. 7.3.1. Initiation of proposals for text and map amendments.**

A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the ~~director of planning~~ **Community Development Director or his/her designee**, one or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owners of the subject property or the authorized agent of the owners. Before enacting any amendment to this chapter, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

(Ord. of 8-2-2017, § 1(7.3.1))

### **Sec. 7.3.2. Consistency with comprehensive plan.**

Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

(Ord. of 8-2-2017, § 1(7.3.2))

### **Sec. 7.3.3. Staff analysis, findings of fact, and recommendations.**

- A. The staff of the planning ~~and zoning department~~ **division** shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.
- B. The findings and recommendations of the planning ~~and zoning department~~ **division** staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning ~~and zoning division~~ staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.
- C. Within a reasonable amount of time after acceptance of a complete application, the ~~director of planning~~ **Community Development Director or his/her designee** shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

(Ord. of 8-2-2017, § 1(7.3.3))

### **Sec. 7.3.4. Standards and factors governing review of proposed amendments to the comprehensive plan map.**

The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

- A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
- B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
- C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- D. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
- E. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
- F. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
- G. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

(Ord. of 8-2-2017, § 1(7.3.4))

### **Sec. 7.3.5. Standards and factors governing review of proposed amendments to the official zoning map.**

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

(Ord. of 8-2-2017, § 1(7.3.5))

### **Sec. 7.3.6. Community Planning Information Meeting (CPIM).**

The City will hold an informational meeting for the public called the Community Planning Information Meeting or CPIM. This meeting will serve as an opportunity for the applicant and the City to introduce and explain proposed zoning requests to the community. The goal of the CPIM is to build understanding of the City's zoning process and inform the public of pending zoning requests within the City of Stonecrest.

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 the City Council's regularly scheduled meetings dates.
2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at Community Planning Information Meeting for the public.

3. The ~~Planning and Zoning Community Development~~ Director and/or his/her designee(s) shall be present to discuss and answer any questions from the community on all proposed zoning requests initiated by the City at the CPIM.
4. A party other than the city who initiates a zoning request and/or his/her designee(s) shall be present to discuss and answer any questions from the community on the proposed zoning request at the CPIM.

(Ord. No. 2023-05-02, § 1, 5-22-2023)

#### **Sec. 7.3.6.1. Procedures governing changes to zoning classifications or definitions relating to single-family residential uses of property.**

The following procedures shall govern the review of all proposed zoning decisions to revise (1) one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of the property pursuant to such classifications or definitions, or (2) to grant blanket permission, under certain 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 city during a period of not less than 21 days apart.
- B. Prior to the first meeting provided in subparagraph A. of this paragraph, at least two public hearings shall be held on the proposed action.
- C. Such public hearings shall be held at least three months and not more than nine months prior to the date of the final action on the zoning decision.
- D. At least one of those public hearings must be held between the hours of 5:00 p.m. and 8:00 p.m.
- E. The hearings required under this paragraph shall be in addition to any hearing as described and required in Section 7.2.4.
- F. The city shall give notice of such hearing by:
  1. Posting notice of each affected premises in the manner prescribed by section 7.2.4(c); provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area.
  2. Publishing in a newspaper of general circulation within the territorial boundaries of the city a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.
- G. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multi-family 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 related to single-family residential uses.
  1. 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.
  2. The notice shall state that a copy of the proposed amendment is on file with the city clerk and with the Office of the Clerk of Superior Court of DeKalb County, Georgia for the purpose of examination and inspection by the public.
  3. The city shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

- H. The provisions of this section shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multi-family residential uses of property.
- I. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multi-family residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

Ord. No. 2023-06-02, § 1(Exh. A), adopted June 28, 2023, amended the Code by adding provisions designated as § 7.3.6. Inasmuch as there were already provisions so designated, and at the discretion of the editor, the provisions have been redesignated as § 7.3.6.1.

### **Sec. 7.3.7. Action by the planning commission.**

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any recommendation by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

(Ord. of 8-2-2017, § 1(7.3.7); Ord. No. 2022-01-05, § 1(Exh. A), 1-24-2022)

### **Sec. 7.3.8. Action by the city council.**

At the next scheduled city council meeting pursuant to the applicant zoning calendar following the appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 7.3.9. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning ~~and zoning department, division,~~ and the record prepared by the planning commission shall be presented to each member of the city council. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 7.3.4 and 7.5.3 or 7.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. Any proposed amendment or any

proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council, or made a part of the motion.

(Ord. of 8-2-2017, § 1(7.3.8))

### Sec. 7.3.9. Conditions of zoning.

Conditions of zoning may be requested by an applicant, recommended by the planning ~~department~~ **division** or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

- A. Conditions of zoning may be imposed so as to ameliorate the effects of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning districts involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning districts involved, except as stipulated in section 8.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 7.3.10.
- C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

(Ord. of 8-2-2017, § 1(7.3.9))

### Sec. 7.3.10. Modifications and changes to approved conditions of zoning.

- A. The ~~director of planning~~ **Community Development Director or his/her designee** shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor changes to conditions shall be filed with the ~~director of planning or his designee~~ **Community Development Director or his/her designee** on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The ~~director of planning~~ **Community Development Director or his/her designee** shall decide whether to grant or deny the request for minor changes to conditions within 30 calendar days of receipt of a complete application for such minor changes. If the ~~director of planning~~ **Community Development Director or his/her designee** does not decide within 30 days the request for minor change shall be deemed denied as of the 31st day after receipt of a complete application. After making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall have ten calendar days to post a sign on the subject



property which reflects the decision of the ~~director~~ **Community Development Director or his/her designee** and includes the deadline for taking an appeal of the decision. Persons identified in section 7.5.2.B. shall have 15 calendar days from the posting of the sign to appeal the ~~director of planning's~~ **Community Development Director or his/her designee** decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 7.2.4 of this article for amendments to the official zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute major changes:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

(Ord. of 8-2-2017, § 1(7.3.10))

## ***DIVISION 4. SPECIAL LAND USE PERMITS***

### **Sec. 7.4.1. Special land use permits generally.**

- A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.
- B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 of this chapter or section 7.4.7.
- C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the ~~planning department~~ **Community Development Department** in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.
- D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to ensure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

(Ord. of 8-2-2017, § 1(7.4.1))

### **Sec. 7.4.2. Initiation of applications and public hearing requirements.**

- A. Procedures for applications shall comply with section 7.2.2.
  - B. Applications for special land use permits require a public hearing, as provided for in section 7.2.4.
- (Ord. of 8-2-2017, § 1(7.4.2))

### **Sec. 7.4.3. Initiation of ordinance for application for special land use permit.**

Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

(Ord. of 8-2-2017, § 1(7.4.3))

### **Sec. 7.4.4. Reserved.**

(Ord. of 8-2-2017, § 1(7.4.4))

### **Sec. 7.4.5. Staff analysis, findings of fact, and recommendation on each application.**

An application for a special land use permit shall be filed on forms provided by the planning and ~~zoning department~~ division and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning ~~and zoning department~~ division shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on the criteria contained in section 7.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 7.4.7.

(Ord. of 8-2-2017, § 1(7.4.5))

### **Sec. 7.4.6. Special land use permit; criteria to be considered.**

The following criteria shall be considered by the planning and ~~zoning department~~ division the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4 of this chapter:

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
- M. Whether there is adequate provision of refuse and service areas.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

(Ord. of 8-2-2017, § 1(7.4.6))

#### **Sec. 7.4.7. Additional criteria for specified uses.**

In addition to the criteria contained in section 7.4.6 above for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which

such property is located and the criteria contained in section 7.4.6 above, and complying with applicable regulations in article 4 of this chapter, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of section 4.2.57.
- B. *Reserved.*
- C. *Child daycare facility.* In determining whether to authorize a special land use permit for a child daycare facility, the city council shall also consider each of the following criteria:
  - 1. Whether there is adequate off-street parking for all staff members and for visitors to the child daycare facility.
  - 2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
  - 3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child daycare facility.
  - 4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child daycare facility is proposed to be located, if proposed for a residential zoned district.
- D. *Reserved.*

(Ord. of 8-2-2017, § 1(7.4.7); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 7.4.8. Action by the planning commission.**

- A. **The Planning and Zoning Division** staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.
- B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.
- C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.
- D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

(Ord. of 8-2-2017, § 1(7.4.8))

#### **Sec. 7.4.9. Action by the city council.**

- A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.
- B. The city council may impose conditions based upon the facts of a particular application in accordance with section 7.4.9.
- C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.
- D. The city council may specify the duration of each such special land use permit approved.

(Ord. of 8-2-2017, § 1(7.4.9))

#### **Sec. 7.4.10. Appeals of decisions of the city council.**

All appeals of all final decisions of the city council under the provisions of this division shall be as follows:

- A. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.
- B. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a petition for review plainly setting forth the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.
- C. The city manager shall have authority to accept service and upon whom service of an appeal of a quasijudicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.

(Ord. of 8-2-2017, § 1(7.4.10); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 7.4.11. Limitations of special land use permits.**

- A. *Development of an approved special use.* The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
- B. *Expiration of a special land use permit.* Unless a building permit or other required approvals is applied for within 12 months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.
- C. *Time extension of a special land use permit.* A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for 12 consecutive months upon written request by the applicant and approval by the ~~planning director~~

**Community Development Director or his/her designee**. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 7.2.4.C. In considering a request to extend, the ~~planning director~~ **Community Development Director or his/her designee** and the city council shall consider the criteria described in section 7.4.6.

- D. *Limitations on approvals for special land use permits.* A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 consecutive months.
- E. *Modifications to a special land use permit.* Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(Ord. of 8-2-2017, § 1(7.4.11))

### **Sec. 7.4.12. Transfer of special land use permits.**

A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this section. A special land use permit may only be transferred from one person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the ~~director of planning~~ **Community Development Director or his/her designee**. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within 30 days of such denial. Notwithstanding the foregoing, the ~~director of planning~~ **Community Development Director or his/her designee** may extend the deadline for correction of the violation for a period up to 90 days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within 30 days.

(Ord. of 8-2-2017, § 1(7.4.12))

## ***DIVISION 5. VARIANCES AND APPEALS TO THE ZONING BOARD OF APPEALS***

### **Sec. 7.5.1. Testimony and burden of proof.**

The chairperson of the zoning board of appeals, or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

- A. *Requirements.* The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.

- B. *Review.* It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

(Ord. of 8-2-2017, § 1(7.5.1))

### **Sec. 7.5.2. Appeals of decisions of administrative officials.**

- A. *General power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within 180 days of receipt of all necessary information to make such decision. A failure to act prior to the passage of 180 days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by:
- (1) Any person aggrieved by; or
  - (2) An owner of property within 250 feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest.
- By filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within 15 days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.
- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving nonresidentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. *Order granted by court.* Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant.

Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.

- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

(Ord. of 8-2-2017, § 1(7.5.2))

### **Sec. 7.5.3. Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.**

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings:
1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
  2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
  3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
  4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
  5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.



- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7.B.
- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
  - 1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
  - 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  - 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
  - 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
  - 5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
  - 6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

(Ord. of 8-2-2017, § 1(7.5.3))

#### **Sec. 7.5.4. Applications for variances to reduce or waive off-street parking or loading space requirements.**

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the buildings is such as to make unnecessary the full provision of parking or loading spaces;
- B. Reserved;
- C. The provision of the full number of parking spaces would have a deleterious effect on an historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

(Ord. of 8-2-2017, § 1(7.5.4))

### **Sec. 7.5.5. Limitations of authority of the zoning board of appeals.**

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

(Ord. of 8-2-2017, § 1(7.5.5))

### **Sec. 7.5.6. Decision by the zoning board of appeals.**

Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within 60 days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.5.6))

### **Sec. 7.5.7. Compliance with standards upon denial.**

In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within 30 days of such denial

or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be 90 days.

(Ord. of 8-2-2017, § 1(7.5.7))

#### **Sec. 7.5.8. Appeals of decisions of the zoning board of appeals, quasi-judicial officer or agency.**

All appeals of all final decisions of the zoning board of appeals or a quasi-judicial officer or agency under the provisions of this chapter shall be as follows:

- A. *Petition for Review.* Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by petition for review for zoning decisions as described in Chapter 66 relating to zoning procedures and subparagraph E of paragraph (4) of O.C.G.A. § 36-66-3, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the zoning board of appeals is rendered.
- B. *Service.*
  - a. 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 affected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government; and
  - b. The city manager shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.

(Ord. of 8-2-2017, § 1(7.5.8); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 7.5.9. Fair Housing Act accommodation variance.**

Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as that term is defined in the Federal Fair Housing Act, including, but not limited to, sections 4.2.41 and 4.2.28 as well as the terms defined therein. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

(Ord. of 8-2-2017, § 1(7.5.9))

### ***DIVISION 6. SPECIAL ADMINISTRATIVE PERMITS; WAIVERS AND VARIANCES***

### Sec. 7.6.1. Special administrative permits generally.

The ~~director of planning~~ **Community Development Director or his/her designee** is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the ~~director of planning~~ **Community Development Director or his/her designee**.

(Ord. of 8-2-2017, § 1(7.6.1))

### Sec. 7.6.2. Standards for special administrative permits, criteria to be applied.

All applications filed for special administrative zoning permit with the ~~director of planning~~ **Community Development Director or his/her designee** shall be considered and decided pursuant to the standards contained in sections 7.4.6 and 7.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4 of this chapter. All special administrative permits approved by the ~~director of planning~~ **Community Development Director or his/her designee** shall specify the length of time of the duration of each such special administrative permit.

(Ord. of 8-2-2017, § 1(7.6.2); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

### Sec. 7.6.3. Time limitations.

All applications for special administrative permits shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** no later than 30 days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the ~~director of planning~~ **Community Development Director or his/her designee**. If the ~~director of planning~~ **Community Development Director or his/her designee** does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

(Ord. of 8-2-2017, § 1(7.6.3))

### Sec. 7.6.4. Reserved.

(Ord. of 8-2-2017, § 1(7.6.4))

### Sec. 7.6.5. Administrative variances, administrative waivers; authority.

- A. The ~~director of planning~~ **Community Development Director or his/her designee** is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:
1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 7.5.3.
  2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten percent of the requirement, pursuant to the standards specified in section 7.5.3.

3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten percent of the district requirement, pursuant to the standards specified in section 7.5.4.
4. Reserved.
5. Increase by variance the retaining wall height as set forth in article 5, division 4 of this chapter by an amount not to exceed two feet, but no such variance is allowed for property located in an historic district.
6. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 of this chapter by an amount not to exceed two feet.
7. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 of this chapter by two feet.
8. Reduce by variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
  - a. To reduce required minimum lot size by up to 50 percent only to maintain the pre-determined yield.
  - b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be nonconforming with respect to the minimum setback standards.
  - c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
9. Waive architectural building standards and designs provided in article 5 of this chapter, building form standards. The ~~planning director~~ **Community Development Director or his/her designee** shall notify the city council in writing within ten days of granting said waiver.
10. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.5))

#### **Sec. 7.6.6. Procedures for applications for administrative variances and administrative waivers.**

- A. An application for administrative variance or administrative waiver shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** on forms approved by the ~~director of planning~~ **Community Development Director or his/her designee** along with any such fees as may be established by the city council.
  1. The ~~director of planning~~ **Community Development Director or his/her designee** shall review and decide upon each complete application pursuant to the applicable standards referred to in section 7.6.7. A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed, unless an extension is agreed to by the applicant and ~~director of planning~~ **Community Development Director or his/her designee**. If the ~~director of planning~~ **Community Development Director or his/her designee** does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the ~~director of planning~~ **Community Development Director or his/her designee** deems necessary to evaluate the request.
3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.
4. The ~~director of planning~~ **Community Development Director or his/her designee** and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.
5. No later than ten calendar days after making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall post a sign on the subject property which reflects the decision of the ~~director of planning~~ **Community Development Director or his/her designee** and the deadline for taking an appeal of the decision to the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.6))

**Sec. 7.6.7. Criteria used by the ~~director of planning~~ **Community Development Director or his/her designee** in deciding administrative variances and administrative waivers.**

- A. The ~~director of planning~~ **Community Development Director or his/her designee** shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 7.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the ~~director~~ **Community Development Director or his/her designee** shall apply the criteria specified in sections 7.5.3 and 7.5.4 to the facts of each application.
- B. The ~~director of planning~~ **Community Development Director or his/her designee** shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5 of this chapter, building form standards using the following criteria:
  1. Whether the proposed changes in appearance will have a substantial adverse effect on the design standards set out in article 5 of this chapter.
  2. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.
  3. The extent to which the proposal is compatible with other structures in the area.
- C. When issuing a written decision on an administrative waiver request, the ~~director of planning~~ may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the **Community Development Director or his/her designee** grounds relied upon in reaching the decision.

(Ord. of 8-2-2017, § 1(7.6.7))

**Sec. 7.6.8. Persons entitled to appeal to the zoning board of appeals.**

Any person identified in section 7.5.2.B. shall have the right to appeal by a decision of the ~~director of planning~~ **Community Development Director or his/her designee** related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within 30 days after the decision of the ~~director~~ **Community Development Director or his/her designee** is rendered.

(Ord. of 8-2-2017, § 1(7.6.8))

- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 7. - ADMINISTRATION  
**DIVISION 7. ENFORCEMENT**, VIOLATIONS, AND PENALTIES

## *DIVISION 7. ENFORCEMENT, VIOLATIONS, AND PENALTIES*

### **Sec. 7.7.1. Administration and enforcement; granting of permits.**

The ~~director of planning~~ Community Development Director or his/her designee shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The ~~director of planning~~ Community Development Director or his/her designee shall have the duty to issue development permits as required with respect to this chapter.

(Ord. of 8-2-2017, § 1(7.7.1))

### **Sec. 7.7.2. Development permits.**

Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to ensure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

(Ord. of 8-2-2017, § 1(7.7.2))

### **Sec. 7.7.3. Building permits and certificates of occupancy required.**

A building permit and a certificate of occupancy shall be obtained from the ~~director of planning~~ Community Development Director or his/her designee prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the ~~director of planning~~ Community Development Director or his/her designee

(Ord. of 8-2-2017, § 1(7.7.3))

### **Sec. 7.7.4. Applications for permits and certificates of occupancy.**

- A. All applications for development permits shall be made to the ~~director of planning~~.
- B. All applications for building permits and certificates of occupancy shall be made to the ~~director of planning~~ .  
Community Development Director or his/her designee
- C. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the ~~director of planning~~ Community Development Director or his/her designee
- D. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in an historic district or on an historic property.

(Ord. of 8-2-2017, § 1(7.7.4))

### Sec. 7.7.5. Development and building permits; plans required.

- A. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and which shall contain the following information:
1. The name and signature of the author, and the author's address and telephone number;
  2. Plans shall show the actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
  3. Plans shall show all required building setback lines, buffer zones, and open space required by this chapter;
  4. Plans shall show the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
  5. Plans shall show the current zoning classification of the property including zoning conditions and zoning variances, if any;
  6. Plans shall show the existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
  7. Plans shall show such other information as may be required by the ~~director of planning~~ **Community Development Director or his/her designee** with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.
- B. Plans shall be returned to the owner when the plans have been approved by the ~~director of planning~~ **Community Development Director or his/her designee** .
- C. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.
- D. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

(Ord. of 8-2-2017, § 1(7.7.5))

### Sec. 7.7.6. Issuance of development permits.

All development permits shall be issued by the ~~director of planning~~ **Community Development Director or his/her designee** , which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval. Development permits issued on properties in an R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district (or prior classifications of retired districts of CH, TND, or any PC district) shall be in compliance with the final plans approved by the ~~director of planning~~ **Community Development Director or his/her designee**. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.



(Ord. of 8-2-2017, § 1(7.7.6))

#### **Sec. 7.7.7. Duration of validity of development permits.**

A development permit shall be valid for two years from its issuance subject to the following provisions:

- A. If the work authorized in any development permit has not begun within six months from the date of issuance thereof, the permit shall expire.
- B. If the work described in any development permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire.

(Ord. of 8-2-2017, § 1(7.7.7))

#### **Sec. 7.7.8. Building inspection.**

The building inspection duties of the ~~director of planning~~ Community Development Director or his/her designee with respect to this chapter shall include, but not be limited to:

- A. Issuance of building permits in accordance with all provisions of this chapter and only after the ~~director of planning~~ Community Development Director or his/her designee has issued a development permit.
- B. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the ~~director of planning~~ Community Development Director or his/her designee shall immediately initiate appropriate legal action to ensure compliance.
- C. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.

(Ord. of 8-2-2017, § 1(7.7.8))

#### **Sec. 7.7.9. Records.**

The ~~director of planning~~ Community Development Director or his/her designee shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The ~~director of planning~~ Community Development Director or his/her designee shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accordance with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

(Ord. of 8-2-2017, § 1(7.7.9))

#### **Sec. 7.7.10. Inspection; right of entry.**

Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the ~~director of planning~~ Community Development Director or his/her designee may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

(Ord. of 8-2-2017, § 1(7.7.10))

### **Sec. 7.7.11. Inspection; warrants.**

The ~~director of planning, Community Development Director or his/her designee~~ in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the ~~director of planning~~ o **Community Development Director or his/her designee** r his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

- A. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:
  1. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
  2. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.
- B. An inspection warrant shall be validly issued only if it meets all of the following requirements:
  1. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
  2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
  3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
  4. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. of 8-2-2017, § 1(7.7.11))

### **Sec. 7.7.12. Remedies.**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the municipal court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the ~~director of planning- Community Development Director or his/her designee~~ may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

(Ord. of 8-2-2017, § 1(7.7.12))

### Sec. 7.7.13. Notice to stop work; revocation of permits.

Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the ~~director of planning~~ **Community Development Director or his/her designee** may order the work stopped in accordance with the provisions of chapter 7. The ~~director of planning~~ **Community Development Director or his/her designee** may revoke any building permit or certificate of occupancy for any land, building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

(Ord. of 8-2-2017, § 1(7.7.13))

### Sec. 7.7.14. Fees.

Fees and charges for permits and inspections shall be as established by official action of the governing authority.

(Ord. of 8-2-2017, § 1(7.7.14))

### Sec. 7.7.15. Certificates of occupancy.

Certificates of occupancy are required as follows and shall be issued by the ~~director of planning~~ **Community Development Director or his/her designee** only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:

- A. *For new or altered structures and uses.* No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the ~~director of planning~~ **Community Development Director or his/her designee**. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the ~~director of planning~~ **Community Development Director or his/her designee** to issue such certificate of occupancy if the ~~director of planning~~ **Community Development Director or his/her designee** finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the ~~director of planning~~ **Community Development Director or his/her designee** finds that all of the requirements of this chapter have not been met.
- B. *Temporary certificates of occupancy.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of chapter 7, and the ~~director of planning~~ **Community Development Director or his/her designee** may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.
- C. *Certificates of occupancy for existing uses or structures.* An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the ~~director of planning~~ **Community Development Director or his/her designee** and shall require all professional surveys or certifications required by the ~~director of planning~~ **Community Development Director or his/her designee** to adequately comply with said request. The ~~director of planning~~ **Community Development Director or his/her designee** shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the ~~director of planning~~ **Community Development Director or his/her designee**, if in conformance with the

requirements of this chapter, the ~~director of planning~~ **Community Development Director or his/her designee** shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(7.7.15))

#### **Sec. 7.7.16. Violations of this chapter.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.16))

#### **Sec. 7.7.17. Penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in municipal court shall be punished as is provided in section 1-11 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five years, except to the extent prohibited by law.

(Ord. of 8-2-2017, § 1(7.7.17))

#### **Sec. 7.7.18. Repeal of conflicting ordinances; validity of prior approvals and actions.**

Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approvals or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County; provided, further, that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

(Ord. of 8-2-2017, § 1(7.7.18))

#### **Sec. 7.7.19. Reserved.**

### **ARTICLE 8. NONCONFORMITIES**

#### **Sec. 8.1.1. Statement of intent and purpose.**

Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of the ordinance from which this chapter is derived's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future

amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

(Ord. of 8-2-2017, § 1(8.1.1))

### Sec. 8.1.2. Applicability.

- A. *Applicability.* Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 8.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.
- B. *Documentation.* An owner or applicant may request from the ~~director of planning~~ **Community Development Director or his/her designee** a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the ~~director of planning~~ **Community Development Director or his/her designee** will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.
- C. *Evidence that a nonconforming situation was authorized when established.* Standard evidence that the proposed nonconforming situation was authorized, or legal, when established, includes, but is not limited to, the following:
  1. Building or land disturbance permits;
  2. Business licenses;
  3. Adopted zoning ordinances or maps in force at the time of permitting;
  4. Conditions of zoning;
  5. Other appropriate evidence as determined by the ~~director of planning~~ **Community Development Director or his/her designee** or designee.
- D. *Evidence that a nonconforming situation has been continuously maintained since inception.* Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception, includes, but is not limited to:
  1. Utility bills;
  2. Tax records;
  3. Business licenses;
  4. Advertisements in dated publications;
  5. Insurance policies;

6. Leases;
  7. Receipts; and
  8. Other appropriate evidence as determined by the ~~director of planning or designee.~~ **Community Development Director or his/her designee**
- E. *Evidence of discontinuance or abandonment.* When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the ~~director of planning~~ **Community Development Director or his/her designee** may consider evidence of the following:
1. Failure to maintain regular business hours, typical or normal for the use;
  2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
  3. Failure to maintain utilities that would be used for the active operation of the use;
  4. Failure to pay taxes, including, but not limited to, sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
  5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
  6. Failure to maintain applicable business licenses; and
  7. Other appropriate evidence as determined by the ~~director of planning.~~ **Community Development Director or his/her designee**
- F. *Change to a conforming situation.* A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.
- G. *Maintenance.* Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.
- H. *Strengthening and restoring to safe condition.* Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared unsafe by the ~~director of planning.~~ **Community Development Director or his/her designee** and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of the regulation of section 8.1.15 regarding reconstruction of damaged or destroyed nonconforming structures.

(Ord. of 8-2-2017, § 1(8.1.2))

### **Sec. 8.1.3. Legal nonconforming lot.**

A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

(Ord. of 8-2-2017, § 1(8.1.3))

#### **Sec. 8.1.4. Legal nonconforming single-family lots; lot merger requirements.**

- A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.
- B. Two or more contiguous lots of record that are held in common ownership on the effective date of the ordinance from which this section is derived or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. of this section. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.
- C. Two or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. of this section unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 7 of this chapter.
- D. Whenever a variance from the strict application of subsection B. of this section is sought with respect to properties located within an historic district, as defined in section 14-410, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

(Ord. of 8-2-2017, § 1(8.1.4))

#### **Sec. 8.1.5. Nonconforming use.**

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

- A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.

- B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
- C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. of 8-2-2017, § 1(8.1.5))

#### **Sec. 8.1.6. Nonconforming structures.**

- A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8 of this chapter.
- B. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8 of this chapter.
- C. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 8.1.16.

(Ord. of 8-2-2017, § 1(8.1.6))

#### **Sec. 8.1.7. Landscaping and screening requirements for new or additional parking, service or storage areas.**

New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

(Ord. of 8-2-2017, § 1(8.1.7))

#### **Sec. 8.1.8. Nonconforming parking.**

On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 7 of this chapter.

(Ord. of 8-2-2017, § 1(8.1.8))

#### **Sec. 8.1.9. Prior nonconformities.**

The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 8.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.



A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(8.1.9))

#### **Sec. 8.1.10. Nonconforming signs.**

See chapter 21, signs for provisions regarding nonconforming signs.

(Ord. of 8-2-2017, § 1(8.1.10))

#### **Sec. 8.1.11. Nonconformities caused by government action.**

If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have nonconforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

(Ord. of 8-2-2017, § 1(8.1.11))

#### **Sec. 8.1.12. Rezoning that results in nonconforming structures.**

For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

(Ord. of 8-2-2017, § 1(8.1.12))

#### **Sec. 8.1.13. Nonconforming uses requiring a special administrative zoning permit or special land use permit.**

No use, building or structure that was authorized as of right prior to the effective date of the ordinance from which this chapter is derived but would require a special administrative zoning permit or special land use permit upon the effective date of the ordinance from which this chapter is derived, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative zoning permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

(Ord. of 8-2-2017, § 1(8.1.13); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 8.1.14. Buildings and structures where construction has begun.**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of the ordinance from which this chapter is derived or amendment thereto, provided:

- (i) Any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 9 of this chapter;
- (ii) Such permit or approval has not by its own terms expired; and
- (iii) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

(Ord. of 8-2-2017, § 1(8.1.14))

#### **Sec. 8.1.15. Reconstruction of damaged or destroyed nonconforming structures.**

A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the ~~director of planning~~, **Community Development Director or his/her designee** may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the ~~director of planning~~ **Community Development Director or his/her designee** to have been damaged to an extent that the estimated cost of reconstruction exceeds 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

(Ord. of 8-2-2017, § 1(8.1.15))

#### **Sec. 8.1.16. Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.**

- A. Major redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.
- B. Minor redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.
- C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.
- D. Notwithstanding subsections A., B., and C. of this section, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

(Ord. of 8-2-2017, § 1(8.1.16))

### **Sec. 8.1.17. Prior variances, special exceptions, and special permits authorized.**

Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

(Ord. of 8-2-2017, § 1(8.1.17))

## ***ARTICLE 9. DEFINITIONS/MAPS***

### **Sec. 9.1.1. Statement of intent and purpose.**

The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(Ord. of 8-2-2017, § 1(9.1.1))

### **Sec. 9.1.2. Interpretation.**

For the purpose of this chapter, words and terms are to be interpreted as follows:

- A. Unless the obvious construction of the terming indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.
- B. The term "shall" means "must" or "is mandatory."
- C. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- D. The term "lot" shall be deemed also to mean "plot"; the term "used" shall be deemed also to include "designed," "intended," or "arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."
- E. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
- F. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

(Ord. of 8-2-2017, § 1(9.1.2))

### **Sec. 9.1.3. Defined terms.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

*A-weighted sound level* means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the A-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

*Abandonment* means the relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

*Abutting* means having property or district lines in common. This does not include property separated by a road or right-of way.

*Accessory building* means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

*Accessory dwelling unit.* See *Dwelling unit, accessory*.

*Accessory equipment.* See section 4.2.57.B.

*Accessory structure* means a structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with *Building, primary*.

*Accessory use* means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 of this chapter for supplemental regulations.

*Active recreation* means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

*Activity center* means a character area designed by the Comprehensive Plan.

*Adaptive reuse* means buildings and sites constructed and developed originally for one use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

*Adjoining property* means a property that touches or is directly across a street, easement or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

*Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of the items;
- (2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;
- (3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;
- (4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

- (5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);
- (6) The establishment regularly offers for sale or rental at least 2,000 of the items;
- (7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using the terms "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or
- (8) The establishment maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

*Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

*Adult day care* means the provision of a comprehensive plan of services that meets the needs of aging adults, under a social model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

*Adult day center* means a facility serving aging adults that provides adult day care or adult day health services for compensation, to three or more persons. This term shall not include a respite care services program.

*Adult day health services* means the provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

*Adult motion picture theater* means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

*Affordable housing* means housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than 28 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

*Aggrieved person* means a person who either:

- (a) Is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or
- (b) Has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

*Aging adults* means persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

*Agricultural activities* means activities performed in order to cultivate the soil, produce crops, or raise livestock.

*Agricultural produce stand* means a temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

*Alcohol outlet* means a retail establishment that sells beer, malt beverages, hard cider, and/or wine for off-site consumption. This includes grocery stores and retail stores, less than 12,000 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

*All-weather material* means a hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

*Alley* means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

*Alternative energy production* means an energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

*Alternative fuel vehicle* means a vehicle that runs on a fuel other than traditional petroleum fuels (petrol or diesel) including means biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to 85 percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

*Amateur radio service* means radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

*Amateur radio service antenna structure* means a tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

*Ambulance service facility* means a privately-owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

*Amenity* means a natural or manmade feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

*Amplified sound reproduction device* means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

*Amusement park* means an outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

*Animal* means any vertebrate member of the animal kingdom, excluding humans.

*Animal exhibitions.*

*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 Section 4.3.1. Temporary outdoor uses, general requirements; Section 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Section 4.3.5. Temporary outdoor events.

*Animal hospital* means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

*Animal shelter/rescue center* means a facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

*ANSI* means the American National Standards Institute.

*Antenna*. See section 4.2.57.B.

*Antique shop* means a place offering antiques for sale. An antique, for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

*Apartment*. See *Dwelling, multifamily*.

*Apartment unit* means One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four or more dwelling units.

*Apiary* means a place where beehives of honey bees are kept.

*Apiculture*. See *Beekeeping*.

*Apparel store* means a retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

*Appeal* means a review authorized by this chapter of any final order, requirement, or decision of the ~~planning director or designee~~ Community Development Director or his/her designee that is based on or made in the enforcement of this chapter.

*Applicant* means a person who acts in his own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the ~~director of planning~~ Community Development Director or his/her designee.

*Arcade* means an area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times.

*Archaeological resource* means any material remains of past human culture or activities which are of archaeological interest, including, but not limited to, the following means basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least 200 years of age.

*Art, private*, means a work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

*Art, public*, means any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city-owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

*Art gallery* means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. The term "art gallery" does not include libraries, museums, or noncommercial art galleries.

*Articulated facade* means a building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

*Asphalt manufacturing* means an industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

*Assembly hall* means a meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally, including, but not limited to, schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

*Assisted living facility* means a multifamily structure whose occupants are 55 years of age or older, or where each unit is occupied by at least one person who is 55 years of age, and where occupants receive assistance with daily living activities.

*Atrium* means an open hall lighted from above, into which rooms open at one or more levels.

*Attic* means an open space at the top of a house just below the roof; often used for storage.

*Authorized (permitted) use* means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

*Automobile* means a self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

*Automobile and truck rental and leasing* means a business that rents or leases automobile or light trucks, and may store the automobiles and trucks on the same site as the business office.

*Automobile brokerage* means the business of providing services for the purchase or leasing of a vehicle, whether noncommercial or commercial and including trailers and RVs. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

*Automobile dealership*. See *Automobile sales*.

*Automobile mall* means a single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

*Automobile manufacture* means a facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.



*Automobile parts or tire store* means a building that is used for the retail sale of new or used parts or tires for noncommercial vehicles. The term "automobile parts or tire store" does not include outdoor storage yards.

*Automobile recovery and storage* means a facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See *Vehicle storage* and *Tow service*.

*Automobile rental and leasing* means a business that rents or leases automobiles.

*Automobile repair, major*, means a business that services passenger vehicles, including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

*Automobile repair, minor*, means a business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

*Automobile sales* means a business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See *Automobile mall*, *Automobile brokerage*.

*Automobile service station* means a building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses means convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair, as defined in this chapter.

*Automobile upholstery shop* means a building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

*Automobile wash/wax service* means a building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles, as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

*Automobile wrecking yard*. See *Salvage yard*.

*Awning* means a roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

*Balcony* means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

*Bank, credit unions or other similar financial institutions* means any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial

services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending.

*Barber shop* means an establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

*Beauty salon* means a commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

*Bed and breakfast establishment* means accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than 30 consecutive days.

*Bedroom* means a private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

*Beekeeping* means the maintenance of honey bee colonies, commonly in hives, by humans.

*Beer growler* means an alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. The term "beer growler" does not include distilled liquor sales.

*Beer or malt beverage* means any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Best management practices (BMP)* means activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to:

- a) Control soil loss, protect natural features such as trees, and reduce water quality degradation;
- b) Control drainage from outside storage of materials;
- c) Minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and
- d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

*Blight* means a state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair, including, but not limited to, peeling paint, broken windows, deteriorating wood. Also see chapter 18, article IV of the Code.

*Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

*Block* means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the ~~director of planning~~ **Community Development Director or his/her designee** may delineate the outline of the block.

*Blockface* means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

*Boarding house* means a building containing one or more lodging units but not more than 20 lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

*Bona fide employee* means a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

*Borrow pit* means a pit from which sand, gravel or other construction material is taken for use as fill in at another location.

*Brewpub* means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

*Brewery, craft (also known as micro-brewery)* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 barrels in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

*Brewery, large scale* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 barrels in a calendar year.

*Broker* means a party that mediates between a buyer and a seller.

*Buffer* means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

*Buildable area* means the area of a lot remaining after all setback requirements, including buffers, have been met.

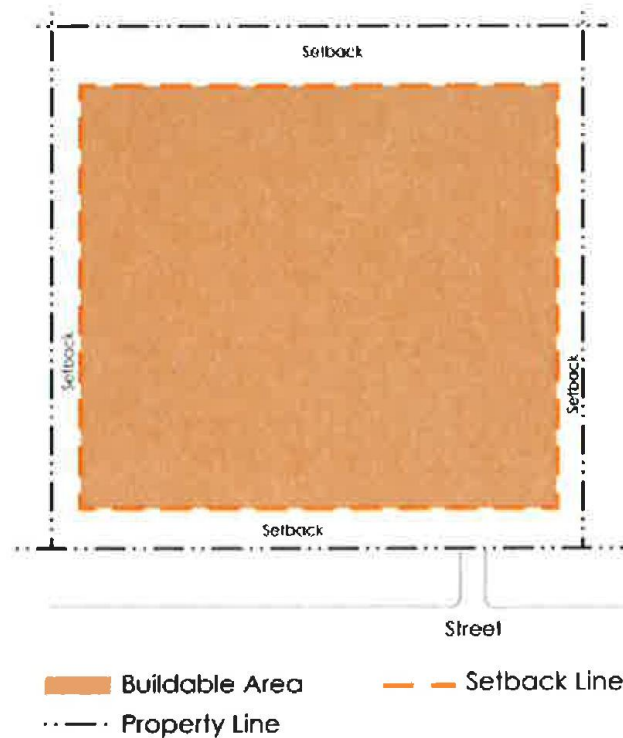


Figure 9.1 Buildable Area

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building, accessory.* See *Accessory building*.

*Building coverage* means the maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. The term "building coverage" does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

*Building entrance feature* means an architecturally designed element for entrances and exits of the building.

*Building footprint* means the outline of the total area covered by a building's perimeter at the ground level.

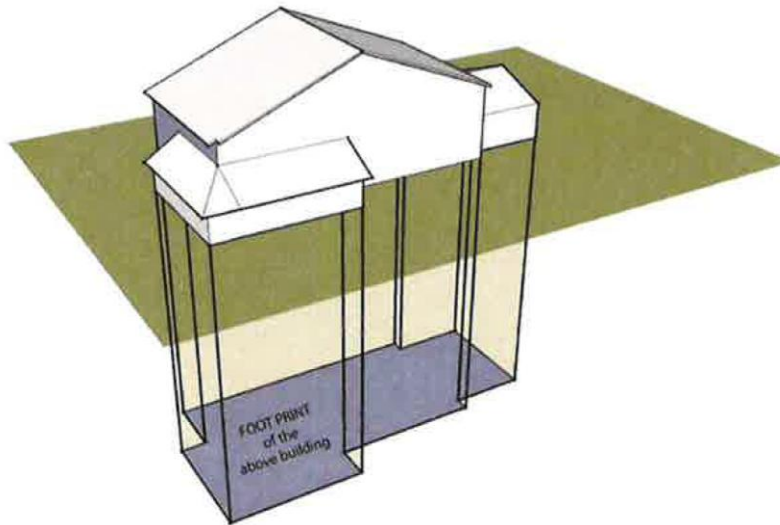


Figure 9.2 Illustration of Building Footprint

*Building form* means a design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include means the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

*Building frontage* means the maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one or more entrances to the main part of the building or store.

*Building height* (as to all structures with the exception of single-family detached dwellings) means the vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5 of this chapter.

*Building height* (as to single-family detached dwellings) means the vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5 of this chapter.

*Building mass* means the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

*Building materials supply establishment* means a facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

*Building, primary or principal*, means a structure in which is conducted the principal use of the lot on which it is located.

*Building scale* means the relationships of the size of the parts of a structure to one another and to humans.

*Building width* means the distance from the exterior face of the building siding as measured from side to side.

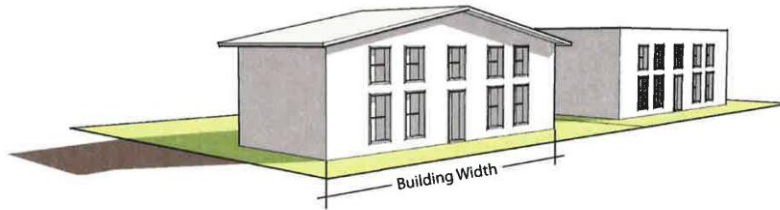


Figure 9.3 Illustration of Building Width

Figure 9.3 Illustration of Building Width

*Bulkhead* means a structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

*Bury pit* means a place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

*Bus or rail station or terminal* means a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.

*Bus rapid transit (BRT)* means a permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

*Business service establishment* means an entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services means advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

*Business vehicle* means vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. The term "business vehicle" may include, but is not limited to, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

*C-weighted sound level* means the sound level reported in units of dB(C) as measured using the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

*Campus style development* means a development type which is primarily characterized by having several separate buildings on one site, unified through design and landscape elements.

*Canopy* means a protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

*Canopy tree* means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

*Car wash* means a facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

*Car wash, self-service*, means a car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

*Cat* means a feline that has reached the age of six months.

*Catering establishment* means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

*Cellar* means a space having less than one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet.

*Cemetery* means property used for the interring of the dead. See *Georgia cemetery regulations*.

*Chapel*. See *Place of worship*.

*Characterized by* in the definition of a sexually oriented business means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

*Check cashing facility* means a person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

*Child care facility*: A building(s) in which housing, meals, and 24-hour continuous watchful oversight of six or more children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or child care facility."

*Child care home*: A building(s) in which housing, meals, and 24-hour continuous watchful oversight for up to five (5) children under the age of 18 are provided. The term "child caring institution" shall not include a "child day care center or facility."

*Child caring institution* means a building in which housing, meals, and 24-hour continuous watchful oversight for children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a child daycare center or facility.

*Child caring institution, community*, means a child caring institution that offers care to seven or more children.

*Child caring institution, group*, means a child caring institution that offers care to between four and six children.

*Child day care center*: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven or more children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

*Child daycare facility* means an establishment operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child daycare facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

*Church*. See *Place of worship*.

*Cistern* means an underground reservoir or tank for storing rainwater.

*City* means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

*Clinic, health services*, means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center,

rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

*Club, private*, means a group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. The term "private club" shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

*Clubhouse* means a structure in which the activities of a private club are conducted.

*Cluster housing development* means a development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

*Coin laundry* means an establishment with coin-operated clothing washing machines and dryers for public use.

*Coliseum* means a large building with tiers of seats for spectators at sporting or other recreational events.

*Collector street* means a street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

*College* means a post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. The term "college" shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

*Collocation*. See section 4.2.57.B.

*Colonnade* means a series of columns placed at regular intervals, usually supporting a roof.

*Columbarium* means a structure with niches for the placement of cinerary urns.

*Commercial district* means any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

*Commercial entertainment* means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.

*Commercial parking garage/structure* means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

*Commercial parking lot* means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

*Commercial truck parking lot* means an uncovered or unsheltered surface lot designed, constructed and used for the parking of motor trucks with a minimum of 5-axes or more for profit.

*Common open space* means open space designed for common use by all property owners in the development.

*Common ownership* means ownership as recognized by law of real property by one or more persons, their parents, brothers, sisters, children over the age of 18, spouses or any association, firm, corporation or partnership



in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten or more percent.

*Community garden.* See *Urban garden*.

*Community living arrangement.* See *Personal care home*.

*Compact design* means the design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

*Compatible* (as used in article 2 of this chapter, purpose and intent for each established district) means land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

*Complainant* means any person who has registered a noise or code complaint with an authorized enforcement agency that he is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

*Complete or complete application* means When used in conjunction with an application under this zoning ordinance, the term "complete" or "complete application" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the ~~director of planning~~ **Community Development Director or his/her designee.**

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Comprehensive plan* means the DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

*Concert hall* means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

*Conditional approval* means the imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

*Condominium* means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

*Condominium unit* means a unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

*Connectivity ratio* means a ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

3. A node shall be the terminus of a street or the intersection of two or more streets. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node. A divided entrance shall only count once.

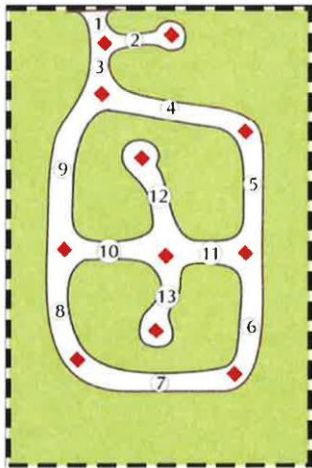


Figure 9.4 Example 1: Does not meet ratio

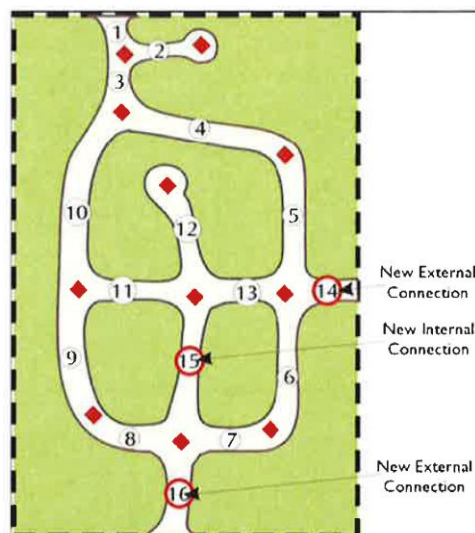


Figure 9.5 Example 2: Modified to meet ratio

*Conservation area* means any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

*Conservation easement* means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

*Construction* means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

*Continuing care retirement community* means a residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units, as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

*Continuous sound* means any sound with duration of more than one second, as measured with a sound level meter set to the slow meter response.

*Contractor, general*, means a contractor or builder engaged in the construction of buildings like residences or commercial structures.

*Contractor, heavy construction*, means a contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

*Contractor, special trade*, means Industries in the special trade contractors subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

*Convalescent home* means a nursing care facility.

*Convenience store* means any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. The term "convenience store" may also include accessory fuel pumps.

*Convent* means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

*Cornice* means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

*Corridor* means a broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

*County or city solid waste* means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term "county or city solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

*County or city solid waste disposal facility* means any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and, includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

*County or city solid waste landfill* means a disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*Craft brewery (also known as micro-brewery)* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

*Craft distillery (also known as micro-distillery)* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled

spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

*Cremation* means the reduction of a dead human body or a dead animal body to residue by intense heat.

*Crematorium* means a location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

*Cultural facility* means a building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including, but not limited to, an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

*Curb cut* means a curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

*Dairy* means a commercial establishment for the manufacture, processing, or sale of dairy products.

*Dance school* means a school where classes in dance are taught to four or more persons at a time.

*Day* means, unless otherwise stated, calendar days.

*Day spa*. See *Health spa*.

*Decay resistant wood* means wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

*Decibel (dB)* means the unit for the measurement of sound pressure based upon a reference pressure of 20 micropascals (zero decibels), i.e., the average threshold of hearing for a person with very good hearing.

*Deciduous tree* means a tree that loses all of its leaves for part of the year.

*Deficiencies* means exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to, uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. The term "deficiencies" shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

*DeKalb County Transportation and Thoroughfare Plan* means the DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

*Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways whether manmade or natural occurring both above and below ground.

*Demolition of an infill building* means the destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

*Density* means the number of dwelling units per gross acreage of land.

*Dental clinic*. See *Office, dental*.

*Department of community affairs (DCA)* means the state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

*Department store* means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited, and sold directly to the customer for whom the goods and services are furnished.

*Deterioration* means a condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

*Development permit* means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

*Development of regional impact (DRI)* means a large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

*~~Director of Planning~~ **Community Development Director*** means the Director of the ~~Department of Planning and Zoning~~ **Planning and Zoning Division, Building Division, Land Development Division and Code Enforcement Division**

*Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

- (1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent often percent or more; that his service in the Armed Forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.
- (2) A veteran of peace-time service in the United States Armed Forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the Armed Forces of the United States was terminated under conditions other than dishonorable.
- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

*Dispatch office* means an office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

*Disposal facility* means any facility or location where the final deposition of solid waste occurs, including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

*Distillery, craft (also known as micro-distillery)* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 barrels per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

*Distillery, large-scale* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 barrels per calendar year.

*District, authorized zoning.* A zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

*District, base zoning.* See Underlying District

*District, governing zoning.* An underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers.

*District, overlay zoning.* A zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

*District, underlying zoning.* Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

*District, zoning.* Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform.

*Dog* means a canine that has reached the age of six months.

*Dog daycare* means any premises containing four or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on-site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog daycare. See *Kennel, commercial*.

*Dog grooming* means the hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

*Dormitory* means a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

*Dripline* means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Drive-in theater* means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

*Drive-through facility* means a business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

*Drive-through restaurant* means a retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service

window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

*Driveway* means a private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

*Dry cleaning agency* means an establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

*Durable materials* means Materials that can resist wear, tear and decay from use, time and other conditions like weather.

*Dwelling, cottage home* means small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

*Dwelling, mobile home.* See *Mobile home*.

*Dwelling, multifamily.* See *Dwelling unit, multifamily*.

*Dwelling, single-family,* means a building designed for and containing one dwelling unit.

*Dwelling, single-family attached,* means a dwelling unit located in a building in which multiple units are attached by a common party wall.

*Dwelling, single-family detached,,* means a dwelling unit on an individual lot unattached to another dwelling unit.

*Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District,* means single-family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

*Dwelling, three-family or triplex,* means a building designed for and containing three dwelling units.

*Dwelling, two-family or duplex,* means a building designed for and containing two dwelling units.

*Dwelling, urban single-family,* means residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

*Dwelling unit* means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Dwelling unit, accessory,* means a dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

*Dwelling unit, efficiency or studio,* means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

*Dwelling unit, multifamily,* means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units.

*Dyeworks* means a facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

*Eating and drinking establishments* mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within

the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto.

*Edifice* means a building or a structure, especially one of imposing appearance or size, which has a roof and walls and stands permanently in one place.

*Elevation* means an architectural term referring to the view of a building seen from one side; it is a flat representation of one facade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

*Elevation height* means above sea level or ground level. See *Grade, existing*.

*Emergency work* means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

*Enclosed area* means an area surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

*Encroachment* means a building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

*Essential services* means the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

*Environmental contamination* means a presence of hazardous substances in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

*Exceptional topographical restrictions* means the physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

*Explosive manufacture or storage* means the manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

*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.

*Exterior insulation and finishing system (EIFS)* means a type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

*Extraneous sound* means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

*Facade* means One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the facade of a building is often the most important from a design standpoint, as the facade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.



*Facade, primary*, means refers to the exterior building wall considered the front and features the main entrance to the building. The term "facade, primary," is synonymous with front facade.

*Fair market value* means the price a property would likely bring if offered for sale in the marketplace.

*Fairgrounds* means an area of land use, including, but not limited to, agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. The term "fairgrounds" do not include racetracks or motorized contests of speed.

*Family* means one or more individuals related by blood, marriage, adoption, or legal guardianship, or not more than three unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. The term "family" shall include three or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 USC 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one person.

*Family daycare home* means a private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than 24 hours per day, not more than six persons who are not residents in the same private residence. For the purposes of this zoning ordinance, a family daycare home may be operated as a home occupation, subject to the requirements of this chapter.

*Family-oriented entertainment venues* means places of entertainment intended to serve families.

*Farm equipment and supplies sales establishment* means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

*Farm winery*: A winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and; is located on the premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

*Farmer's market* means a market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value added products.

*Farming, active*, means the growing of crops, plants, and trees. The term "farming, active," also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

*Fascia* means a type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

*Fat rendering* means any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

*Feature*, in the definition of a sexually oriented business, means to give special prominence to.

*Fee simple ownership* means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. The term "fee simple ownership" includes the land immediately underneath a unit, and may or may not include land in front of and behind a building.

*Fee simple condominium declaration* means an official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee

simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

*Fee simple condominium development* means a development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately-owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

*Fence* means a structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the ~~director of planning.~~ **Community Development Director or his/her designee.**

*Fenestration* means the arrangement, proportioning, and design of windows and doors in a building.

*Fertilizer manufacture* means the manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

*Fitness center* means building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, meditation and other healing arts. The term "fitness center" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

*Flea market* means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Floodplain* means land within the special flood hazard area (SFHA) or covered by the future conditions flood, as defined in chapter 14 of the Code.

*Floodway* means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

*Floor area* means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For nonresidential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

*Floor area of accessory building* means the gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

*Floor area ratio (FAR)* means the relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For the purposes of this calculation, parking areas or structures shall not be included in floor area.

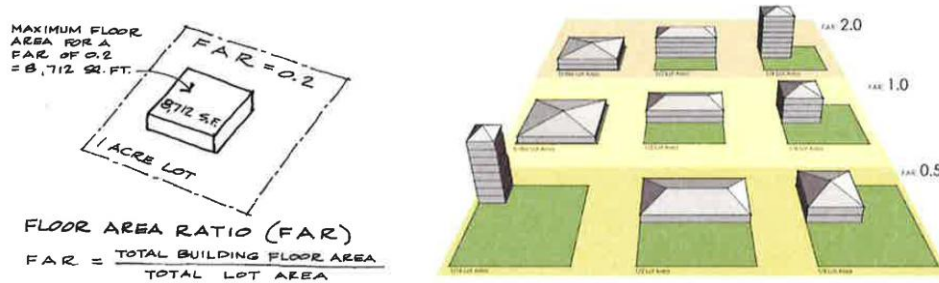


Figure 9.6 Illustration of Floor Area Ratio (FAR)

*Floor space*, as referenced in the definition of the terms "adult bookstore" or "adult video store," means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

*Florist* means an enclosed retail business whose principal activity is the selling of plants which were grown off-site.

*Food truck* means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.

*For rent*: Constructed for the express purpose and intent of offering to the general public for lease and not intended For Sale.

*For rent community*: A residential Subdivision or Development with more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owners.

*For sale*: Constructed for the express purpose and intent of offering to the general public for purchase.

*For sale community*: A residential Subdivision or Development with no more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owners.

*Forestry* means establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

*Fortunetelling* means and includes all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

*Fraternal organization* means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also *Club*.

*Fraternity house* means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

*Freestanding wall* means a wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

*Freeway* means a multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

*Freight service* means an establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may, in turn, make use of other transportation establishments in effecting delivery. The term "freight service" includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

*Frequency* means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

*Frontage, lot*, means the horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

*Front facade*. See *Facade, primary*.

*Fuel and ice dealer, manufacturer and wholesaler* means an establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

*Full kitchen*: A kitchen designed, intended and equipped to produce meals for sale to the general public as a major function of the business.

*Funeral home* means a building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See *Crematorium*.

*Furniture sales and showroom* means a retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

*Garage* means a part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

*Garage, parking*. See *Parking garage* or *Parking structure*.

*Gas regulator station* means an assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. The term "gas regulator station" may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

*General business office*. See *Office, professional*.

*Gift shop* means a retail store where items such as art, antiques, jewelry, books, and notions are sold.

*Glue manufacture* means the manufacturing of glue, epoxy, sealant or other adhesives.

*Go-cart* means a small low motor vehicle, with four wheels and an open framework, used for racing.

*Go-cart concession* means a place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

*Go-cart track* means a track or network of tracks used for the racing of go-carts.

*Golf course* means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

*Government facilities* means buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar uses.

*Grade, average finished*, means the average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two.

*Grade, existing*, means the elevation of the ground surface before development.

*Grade, finished*, means the final grade of the ground surface after development.

*Grassed playing fields* means reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including, but not limited to, walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

*Gravel pit* means an open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

*Grazing land, pasture land* means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year.

*Greenhouse, commercial*, means a retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

*Greenspace* means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

*Grid pattern* means a continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

*Grocery store* means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

*Ground cover* means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six-inch caliper.

*Group homes*. See *Child care institution*, *Personal care homes*, *Transitional housing facility*.

*Growler* means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

*Growler store* means a retail store that sales [sells] growlers.

*Gym*. See *Fitness center*.

*Hardscape* means the inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

*Hardship* means a condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

*Hardware store* means a facility of 30,000 or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

*Health spa* means a nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application

and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

*Heavy equipment repair, service or trade* means a building or lot used for the repair, servicing, lease or sale of heavy equipment.

*Heavy industrial. See Industrial, heavy.*

*Heavy manufacturing. See Industrial, heavy.*

*Heavy vehicle repair* means major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

*Heliport* means an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

*High-rise building or structure* means a building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access of three stories or greater unless otherwise defined by individual zoning or overlay district.

*High-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay District that is nine or more stories in height.

*High-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay District that is 11 or more stories in height.

*Historic* means a building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under section 106 of the National Historic Preservation Act, as amended.

*Hobby, toy and game store* means a retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

*Home improvement center* means a facility greater than 30,000 square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

*Home occupation* means an occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. The term "home occupation" does not include private educational use, as defined in this chapter.

*Hospice* means any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

*Hospital* means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

*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. Held out to the public to be a place where temporary lodging of 30 days or less is offered for pay to guests and is not intended for long term occupancy.

*Household pet* means a domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment, including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

*INCE* means the Institute of Noise Control Engineering.

*Impervious surface* means a surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See *Lot coverage* for exemptions.

*Impulsive sound* means a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second characterized with an abrupt onset and rapid decay.

*Industrial district* means any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, and truck terminals. Such districts include M and M-2 districts.

*Industrial, heavy*, means the building or premises where the following or similar operations are conducted means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

*Industrial, light*, means the following or similar operations means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste, as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes means electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. The term "industrial solid waste" does not include mining waste or oil and gas waste.

*Industrialized building* means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

*Infill building* means any building built or proposed to be built on an infill lot.

*Infill development* means a development surrounded by or in close proximity to areas that are substantially or fully developed.

*Intermediate care home* means a facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

*Intermodal freight terminal* means an industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

*Interparcel access* means a physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

*Items permissible for sale* means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.

*Jewelry repair shop* means Establishment primarily engaged in the provision of jewelry repair services to individuals.

*Junk vehicle* means any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

*Junkyard* means any lot or lot and buildings in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

*Keeping of chickens* means the breeding, boarding, and caring of chickens for personal or agriculture use, or raised for sale and profit.

*Keeping of livestock* means the breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

*Keeping of pigeons* means the breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

*Kennel, breeding*, means a kennel where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

*Kennel, commercial*, means an establishment for the boarding, caring for and keeping of dogs over the age of six months other than a breeding kennel or a noncommercial kennel.

*Kennel, noncommercial*, means an establishment for the boarding, caring for and keeping of more than three but not more than ten dogs over the age of six months, not for commercial purposes.

*Kidney dialysis center* means an establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.



*Kindergarten* means an establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven or more children who are under the age of seven years for less than 24 hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child daycare center or facility.

*Kiosk* means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

*Kitchenette* means a small, compact apartment kitchen, often part of another room utilized for different activities.

*Kitchen facilities* means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

*Kitchens* may include, but are not limited to counters, refrigerators, stoves, and ovens.

*Laboratories (medical/dental)* means a facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

*Land use* means a description of how land is occupied or utilized.

*Landfill* means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

*Landscape area* means an area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

*Landscape business* means a business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

*Landscape strip* means a strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

*Landscaped space* means the areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

*Large-scale brewery* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

*Large-scale distillery* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

*Large-scale retail* means a singular retail or wholesale user who occupies no less than 60,000 square feet of gross floor area.

*Late-night establishment* means any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

*Laundry* means a facility used or intended to use for washing and drying of clothes and fabrics.

*Laundry, coin operated*, means a self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

*Laundry pick-up station* means a facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on-site. See *Dry cleaning agency*.

*Leachate collection system* means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

*Leasing office* means a facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

*Library* means a public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

*Light industrial.* See *Light manufacturing establishment*.

*Light malt beverage manufacturer* means a malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also *Brewpub*.

*Light manufacturing.* See *Industrial, light*.

*Liner building* means a specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

*Liquor store.* See *Alcohol outlet*.

*Live-work unit* means a structure or portion of a structure that combines residential living space with an integrated work space used principally by the occupant of the unit.

*Livestock* means domestic animals and fowl customarily kept on a farm, including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

*Livestock sales pavilion* means any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale.

*Lodge* means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. The term "lodge" shall not include fraternities or sororities. (See also *Fraternal organization*.)

*Lodging unit* means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

*Lot* means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

*Lot area* means the total area within the lot lines of a lot, excluding any street rights-of-way.

*Lot area, net* means the total area of a proposed subdivision on an approved subdivision plat dedicated to individual lots, excluding any area dedicated to public or private street rights-of-way or utility easements.

*Lot, buildable area of.* See *Buildable area*.

*Lot, conforming,* means a designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

*Lot, contiguous,* (as used in section 8.1.4) means lots adjoining the rear or either side of the lots.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection or upon two parts of the same street.

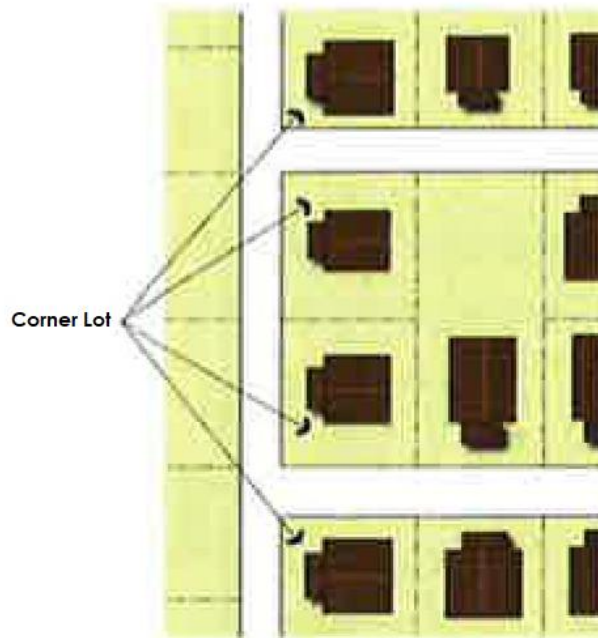


Figure 9.7 Corner Lots

*Lot coverage* means that portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For the purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

*Lot, double-frontage*, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

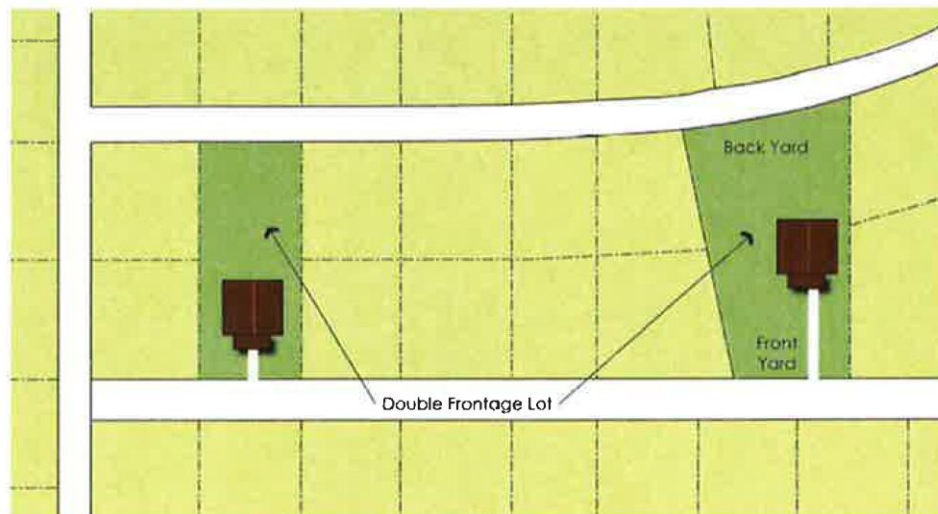


Figure 9.8 Double Frontage Lots

*Lot, flag*, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

*Lot, interior*, means a lot, other than a corner lot, abutting only one street.

*Lot, irregular*, means a lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this article but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

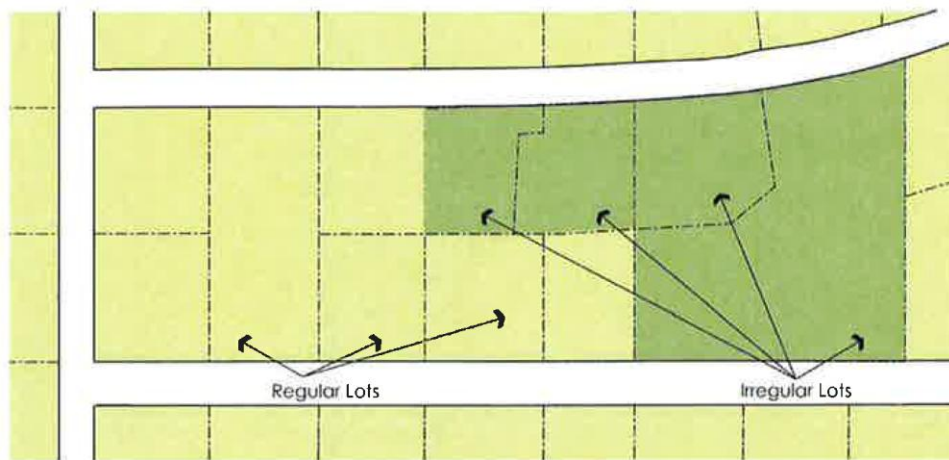


Figure 9.9 Irregular lots

*Lot of record* means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

*Lot of record, nonconforming*, means a designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

*Lot remnant* means any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

*Lot, substandard*, means a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

*Lot width* means the horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

*Low-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay district that is one to four stories in height.

*Low-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay district that is one to three stories in height.

*Lumber supply establishment* means a facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

*Mail room* means a room in an office which mail and package shipments are prepared and deliveries accepted.

*Major automobile repair and maintenance shop*. See *Automobile repair, major*.

*Major intersection* means the intersection of a major arterial striate with a major or minor arterial street.

*Major modification.* See section 4.2.57.B.

*Major modification to zoning conditions.* See article 7 of this chapter.

*Major thoroughfare* means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

*Malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

*Manufactured home, Class I,* means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single-family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

*Manufactured home, Class II,* means a single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

*"Manufacturer"* means any maker, producer, or bottler of an alcoholic beverage. The term also means:

In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

In the case of malt beverages, any brewer; and

In the case of wine, any vintner.

*Manufacturing, heavy.* See *Industrial, heavy*.

*Manufacturing, light.* See *Industrial, light*.

*Massage establishment* means any business properly licensed under chapter 15, article VIII that is established for profit and employs one or more massage therapists, operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said chapter 15, article VIII. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

*Materials recovery facility* means a handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Mausoleum* means a building containing aboveground tombs.

*Meat processing* means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

*Medical model* means a comprehensive program that provides aging adults with the basic social, rehabilitative, health, and personal care services needed to sustain essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

*Medium and high density residential zoning districts.* Any of the following zoning districts means r-SM, MR-1, MR-2, HR-1, HR-2, and HR-3.

*Microbrewery*, See *Craft brewery*.

*Micro Home Community (MHC)* means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

*Micro House* means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

*Mid-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay district that is five to eight stories in height.

*Mid-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay district that is four to ten stories in height.

*Mine:*

1. A cavity in the earth from which minerals and ores are extracted; and
2. The act of removing minerals and ores from the earth.

*Mineral extraction and processing* means extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

*Mini-warehouse* means a building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

*Miniature golf course* means a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

*Mining* means extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mining" includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

*Minor automobile repair and maintenance shop*. See *Automobile repair, minor*.

*Minor modification to zoning conditions*. See article 7 of this chapter.

*Minor thoroughfare* means a street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

*Mixed-use building or development* means a development which incorporates a variety (two or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

*Mixed-use zoning districts* means any of the following zoning districts: MU-1, MU-2, MU-3, MU-4, and MU-5.

*Mobile home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

*Mobile home lot* means a parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

*Mobile home park* means a parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

*Mobile home sales* means Exhibition and sale of mobile homes.

*Mobile home stand* means that part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

*Modular home* means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

*Monastery* means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

*Monopole*. See section 4.2.57.B.

*Moral turpitude* means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

*Mortuary* means an establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

*Mosque*. See *Place of worship*.

*Motel* means an establishment providing transient lodging accommodations containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Held out to the public to be a place where temporary lodging of 30 days or less is offered for pay to guests and is not intended for long term occupancy.

*Muffler* means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

*Multifamily dwelling*. See *Dwelling unit, multifamily*.

*Multifamily dwelling, supportive living*, means Four or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

*Multi-use property* means any distinct parcel of land that is being used for more than one land use purpose.

*Museum* means a building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

*Natural state* means that condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

*Nature preserve* means an area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

*Neighborhood* means an area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

*Neighborhood residual sound level* means that measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. The term "neighborhood residual sound level" is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.

*Net lot area*, See *Lot area*, *net*.

*New construction on an infill lot* means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

*News dealer* means a person who sells newspapers and magazines as a retailer.

*News stand* means a temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

*Nightclub* means a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

*Node* means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

*Noise control officer* means a city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

*Noise sensitive facility* means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

*Nonconforming characteristics of building or structure* means a building or structure, legally existing on the effective date of the ordinance from which this chapter is derived, but which fails to comply with one or more of the district or general non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

*Nonconforming use of land* means a use of land, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

*Nonconforming use of land and buildings, or nonconforming use of land and structures* means a use of land and buildings or land and structures, in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use of land and buildings or land and structures, in combination, under the terms of this chapter in the district in which such use is located.

*Nonconforming use requiring special exception or special land use permit* means a use of land, or land and buildings or structures in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.



*Nonresidential development* means all commercial, office, institutional, industrial and similar lands and uses.

*Nonresidential zoning district* means any of the following zoning districts means NS, C-1, C-2, O-I-T, O-I, O-D, M and M-2.

*Non-transient lodging accommodations* means long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

*Nudity* means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

*Nursery, plant,* means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

*Nursing care facility* means an establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term "nursing care facility" includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

*Nursing home* means a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

*Office, building or construction* means a temporary structure used as an office or storage for construction operations and is located at the construction site.

*Office, dental,* means a building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*Office, medical,* means a building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*Office, professional,* means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

*Office park* means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

*Office supply store* means a facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

*Official zoning map or maps* means the zoning maps of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings.

*One-part commercial block style* means a single-story building that has a flat roof, a facade that is rectangular in shape, and in which the fenestration in the facade is equal to 75 percent of the width of the front facade of the building.

*Open space* means a portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

*Open space, clubhouse or pool amenity area*, means an open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

*Open space, enhanced*, means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 of this chapter for types of open space functions considered enhanced.

*Open space, green*, means an informal area for passive use bound by streets or front facing lots, typically between 500 square feet and one acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

*Open space, greenway*, means an open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

*Open space, neighborhood park*, means an open space designed for active or passive recreation use.

*Open space, playground or tot lot*, means an open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

*Open space, plaza*, means an open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

*Open space, pocket park*, means an open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter of an acre.

*Open space, square*, means an open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between 500 square feet and one acre.

*Operator* means a person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

*Ordinary maintenance*. See section 4.2.57.B.

*Ornamental metal* means any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

*Outdoor advertising service* means a service to provide advertisements visible in the outdoors such as billboards.

*Outdoor amusement enterprise* means any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside

of a building, including, but not limited to, a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

*Outdoor amusement service facility*, in the Stonecrest Area Overlay District, means any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place means miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, go-carts, or zoo.

*Outdoor display* means an outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

*Outdoor manufacturing* means a facility established for manufacturing activities that takes place outside an enclosed building.

*Outdoor storage* means the keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. The term "outdoor storage" includes outdoor work areas. See *Vehicle storage yard*.

*Outdoor storage, commercial* means the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.

*Outdoor theater* means an outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

*Overstory tree* means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

*Package store* means a retail establishment that sells distilled spirits for off-site consumption.

*Parapet* means that portion of a wall that extends above the roof line.

*Parcel*. See *Lot*.

*Parking or park* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

*Parking, valet*, means Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

*Parking aisle* means an area within a parking facility intended to provide ingress and egress to parking spaces.

*Parking bay* means the clear space containing one or two rows of parking stalls and a parking aisle.

*Parking garage* means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

*Parking lot* means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition.

*Parking lot, commercial* means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.

*Parking space* means a paved area of not less than 120 square feet (small car space) or not less than 153 square feet (large car space) space with dimensions of not less than eight feet wide by 15 feet deep (small cars) or eight feet six inches wide by 18 feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

*Parking structure* means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an

underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

*Party house:* A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

*Pasture land.* See *Grazing land*.

*Path* means a paved or structurally improved walkway that provides access to areas within a development.

*Paved* means a structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the ~~director of planning.~~ **Community Development Director or his/her designee.** For the purposes of a driveway for the parking of automobiles, two paved tire tracks with an unpaved area between them shall be considered paved.

*Pavement, permeable,* means pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

*Pawn shop* means any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this section. The term "pawn shop" includes title pawn.

*Pedestrian oriented* means a density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

*Permitted use* means any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

*Personal assistance services* means assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

*Personal care home:* A building(s) in which housing, meals, personal assistance services, and 24-hour continuous watchful oversight to seven or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

*Personal care home, community,* means a personal care home that offers care to seven or more persons.

*Personal care home, group:* A personal care home that offers care to up to six persons.

*Personal services establishment* means an establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

*Pervious area* means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

*Pervious pavers* means a range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

*Pet.* See *Household pet*.

*Pet cemetery* means property used for the interring of dead domestic animals.

*Pet shop* means a retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

*Pharmacy (retail)* means a place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

*Phased development* means a development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

*Physical therapy facility* means a facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

*Pitch of roof lines* means the ratio of the rise to the run of a roof.

*Place of worship* means a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

*Plainly audible* means any sound that can be detected by a person using his unaided hearing faculties.

*Planned industrial center* means an industrial development planned with multiple buildings for industrial users.

~~Planning & Director.~~ See [Community Development Director](#).

*Plant material* means material derived from plants.

*Planting strip* means a strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

*Plat:*

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

*Pervious surface* means an area that allows water to enter the soil mantle at a natural rate of flow. Compare with *Impervious surface*.

*Porch, enclosed,* means a porch attached to the main building, which is covered by a roof.

*Porch, open,* means a porch that is not covered by a roof.

*Portable storage container* means any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include, but are not limited to, PODS, Pack-Rats and similar containers.

*Porte-cochere* means a porch or a structure attached to a residence and erected over a driveway, not exceeding one story in height and open on two or more sides.

*Post office* means a public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

*Poultry* means domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

*Premises* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

*Prepared food* means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.

*Prepared non-alcoholic beverages* means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.

*Pre-packaged food* means single serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.

*Primary building.* See *Building, primary or principal*. Compare with *Accessory structure*.

*Primary conservation area* means that portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

*Primary material* means the building material comprising the acceptable, dominant portion of a building exterior facade, as defined by standards within this article. Compare with *Secondary material*.

*Primary street* means a street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

*Principal structure* means the building in which the principal use of the lot is located.

*Principal use* means the primary or predominant use of any lot.

*Printing and publishing establishment* means an establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

*Printing and publishing establishment (limited)* means a printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding 5,000 square feet of floor area.

*Private ambulance service* means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

*Private club.* See *Club, private*.

*Private drive* means a drive or road on privately-owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code, but shall meet dimensional requirements established in article 5 of this chapter.

*Private educational use* means the instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4 of this chapter.

*Private industry solid waste disposal facility* means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

*Private restrictive covenants* means private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

*Private right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

*Private road.* See *Private drive*.

*Private street* means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

*Produce* means products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

*Production, field crops*, means establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

*Production, fruits, tree nuts, and vegetables*, means establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

*Prohibited uses* means anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

*Public art.* See *Art, public*.

*Public right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

*Public space in the I-20 Corridor Overlay District* means space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

*Public space in the Stonecrest Area Overlay District* means space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails,

outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as a result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

*Public uses* means land or structures owned by a federal, state or local government, including, but not limited to, a board of education, and used by said government for a necessary governmental function.

*Quarry* means a mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

*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, 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.

*Quick copy and printing store* means a facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

*Radio or television broadcasting studio* means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite, and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

*Radio or television broadcasting transmission facility* means an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.

*Railroad car classification yard or team truck yard* means an area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.

*Rainwater harvesting* means gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

*Recovered materials* means those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

*Recovered materials center* means a facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Recovered materials processing* means activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. The term "processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

*Recreation* means the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

*Recreation, active.* See *Active recreation*.

*Recreation, indoor,* means a commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley,



club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

*Recreation, outdoor*, means a recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

*Recreation, passive*, means recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

*Recreation club* means a not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

*Recreational vehicle* means any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include, but are not limited to, Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

*Recreational vehicle park* means a commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

*Recreational vehicle/boat and trailer sales and service* means a facility established for the exhibition, sale, and repair of recreational vehicles/boats and personal use trailers.

*Recycling collection point* means a neighborhood drop-off point for the temporary storage of recyclables.

*Recycling plant*. See *Recovered materials center* or *Recovered materials processing*.

*Regularly* means the consistent and repeated doing of an act on an ongoing basis.

*Rehabilitation housing facility* means an establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

*Repair, small household appliance*, means a business established to provide a service of repairing small household appliances like microwaves, etc.

*Replacement*. See section 4.2.57.B.

*Research and training facility* means any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

*Residence hall*. See *Dormitory*.

*Residential component* means the primarily residential portion of a development that may contain a mix of single-family detached, single-family attached and multifamily dwelling units and may include small scale, nonresidential uses.

*Residential zoning district* means any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, and MU-5.

*Residential use* means the occupation of a building and land for human habitation.

*Restaurant, drive-through*, means an establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

*Retail* means the sale of goods, wares or merchandises directly to the end-consumer.

*Retail warehouse/wholesale* means an establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public, and may include gasoline.

*Retaining wall* means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

*Riding academies* or *stable* means a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.

*Right-of-way line* means the limit of publicly-owned land or easement encompassing a street or alley.

*Rooming house*. See *Boarding house*.

*Salvage yard* means land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junkyards.

*Sand pit* means a surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

*Satellite television antenna* means an apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

*Sawmill* means a facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

*Sawmill, temporary or portable*, means a facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

*School, elementary*, means public, private or parochial school offering education for first through fifth grade.

*School, high*, means public, private or parochial school for the ninth through 12th grades.

*School, middle*, means public, private or parochial school offering education for sixth through eighth grade.

*School, parochial*, means school run by a church or parish and engages in religious education in addition to the conventional education.

*School, private*, means any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure the major part of its funding from any governmental agency.

*School, public*, means a building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

*School, specialty*, means a school specializing in teaching martial arts, dance, music, visual arts and similar fields.

*School, vocational*, means a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

*Screening fence* means an opaque structure designed to provide a visual barrier constructed of materials, including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the ~~director of planning~~ **Community Development Director or his/her designee**.

*Secondary conservation area* means that portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

*Secondary material* means complimentary building material allowed by zoning standards. Compare with *Primary material*.

*Secondhand store* means a facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

*Self-service car wash*. See *Car wash, self-service*.

*Self-storage (mini or multi)* means a building or group of buildings in a controlled- access and secured compound that contains vary sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and shall be climate-controlled. Noting or pertaining to a warehouse or other facility that rents units to people for storing personal possessions.

*Semi-nude* or *semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. The term "semi-nude" or "semi-nudity" shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

*Semi-nude model studio* means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The term "semi-nude model studio" does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

*Senior housing* means a multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one person who is 55 years of age or older per dwelling unit. Also called *Senior Living*.

*Senior living*. See *Senior housing*.

*Service area* means an outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

*Service organization* means a voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

*Setback* means the minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5 of this chapter.

*Sexual device* means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

*Sexual device shop* means a commercial establishment that regularly features sexual devices. The term "sexual device shop" shall not be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services,

*Sexually oriented business* means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

*Sexually oriented business employee* means only such employees, agents, independent contractors, or other persons, whatever the employment relationship to the business, whose job function includes posing in a state of nudity, or semi-nudity, or exposing to view within the business the specified anatomical areas, as defined by this section.

*Shared parking* means parking shared by two or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

*Shelter for homeless persons* means a building or buildings in which is provided overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with *Transitional housing facility*.

*Shoe repair* means an establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

*Shopping center* means a group of at least two commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

*Short-term vacation rental* means any dwelling unit, single-family dwelling, multifamily dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR."

*Shrub* means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

*Sidewalk* means a hard surface, ADA compliant, clear pathway that does not include any street furniture.

*Sight triangle* means a triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

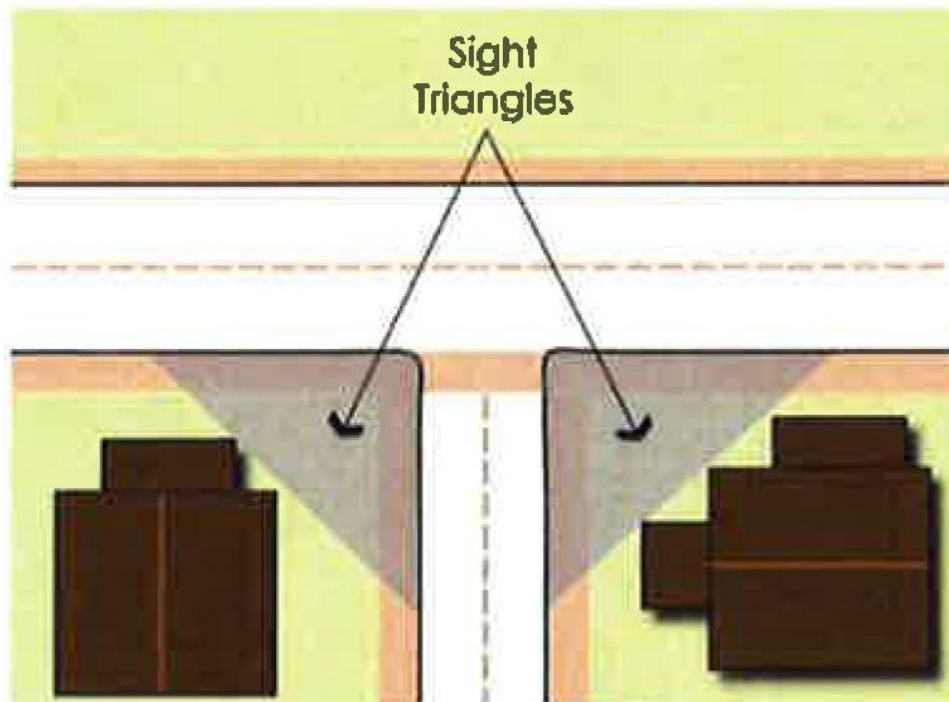


Figure 9.10 Sight Triangles

*Single-family attached.* See *Dwelling unit, single-family attached*.

*Single-family zoning district* means any of the following zoning districts means RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c).

*Site* means the lot, area of a lot, or assemblage of lots subject to development.

*Site-Built Residential Dwelling (Stick-Built)* means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

*Site plan* means that plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

*Small box discount store:* A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in their inventory for sale at a price per item of \$5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5,000 sf or less," "Retail, over 5,000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest.

*Smoking lounge* means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

*Social model* means a program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or

assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

*Soldier course* means a course of upright bricks with their narrow faces showing on the wall surface.

*Solid waste* means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material, as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat 923).

*Solid waste handling* means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

*Solid waste handling facility* means a facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

*Solid waste thermal treatment technology facility* means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

*Solid waste transfer facility* means a facility or site at which temporary storage and transfer of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the locations of waste generation (e.g., households, businesses, industries) and the sites of ultimate processing or disposal.

*Sorority house* means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

*Sound level meter* means an instrument that conforms to ANSI S1.4-1983 or its successors.

*Special administrative permit* means a written authorization granted by the ~~director of planning~~ **Community Development Director or his/her designee** for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 7 of this chapter.

*Special events facility* means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

1. The term "special events facility" shall not include places of worship.
2. *Small special event facility* shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
3. *Large special event facility* shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.

*Special exception* means the approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

*Special land use permit* means the approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

*Special permit* means a special administrative permit, special exception, or special land use permit.

*Specialty store* means a store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

*Specified anatomical areas* means and includes:

1. Less than completely and opaquely covered means human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Sporting goods store* means a store that exclusively exhibits and sells items related to sports, including, but not limited to, instruments, gears, shoes, and clothes.

*Stadium* means a structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

*State* means the State of Georgia.

*Steady tonal quality* means sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three dBA.

*Stealth telecommunications facility*. See section 4.2.57.B.

*Stepback* means a step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See *Transitional height plane*.

*Stoop* means a small porch, platform, or staircase leading to the entrance of a house or building.

*Storage building* means any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

*Stormwater management facility* means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

*Story* means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

*Street, public*, means any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a street right-of-way.

*Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

*Structure, accessory*. See *Accessory structure*.

*Subdivision* means as defined in chapter 14 of the Code.

*Subdivision, major*, means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, public or private.

*Subdivision, minor*, means a division of land into not more than four lots, provided:

1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
2. All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
3. At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

*Supplemental zone* means the additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

*Support structures*. See section 4.2.57.B.

*Supportive living* means a non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.

*Sustainable development* means a development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

*Swimming pools, commercial* means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.

*Synagogue*. See *Place of worship*.

*Tandem parking* means a parking space within a group of two or more parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other spaces.

*Taproom* means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

*Tasting room* means an outlet for the promotion of a winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

*Tattoo parlors and piercing studios* means an establishment whose principal business activity, is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

*Taxi stand* means a reserved area where taxis or cabs are parked.

*Telecommunications antenna*. See section 4.2.57.B.

*Telecommunications facility/tower*. See section 4.2.57.B.

*Telecommunications tower*. See section 4.2.57.B.

*Telecommunications tower or antenna height*. See section 4.2.57.B.



*Telephone exchange building* means a building used exclusively for the transmission and exchange of telephone messages. The term "telephone exchange building" shall not include wireless telecommunication towers or antennas.

*Temple*. See *Place of worship*.

*Temporary outdoor sales or event, seasonal*, means outdoor sales of products associated with seasons, holidays and agricultural seasons.

*Temporary produce stand* means a temporary vending structure used for the sale and/or display of seasonal produce.

*Temporary trailer* means an enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.

*Tennis courts, play and recreation areas, community*, means a public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. The term "tennis courts, play and recreation areas, community," does not include amenities for a subdivision or other form of housing.

*Theater* means a structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

*Threshold* means the top of the subfloor in the opening that is designated as the front door of a dwelling.

*Thrift store* means a for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously-owned or used goods. The term "thrift store" includes antique shops, consignment stores, and secondhand stores.

*Tire retreading and recapping* means businesses that primarily repair and retread automotive tires.

*Total sound level* means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

*Towing or wreckage service* means a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

*Townhouse* means one of a group of three or more single-family dwelling units, attached side-by-side by a common wall. See *Dwelling, single-family*.

*Townhouse, stacked*, means multifamily building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

*Trailer* means any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to, landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

*Transit* means the conveyance of persons or goods from one place to another by means of a local, public transportation system.

*Transit oriented development (TOD)* means moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

*Transitional buffer zone* means a natural or planted buffer area between two different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5 of this chapter.

*Transitional height plane* means a geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point 35 feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of 45 degrees over the lot of the building.

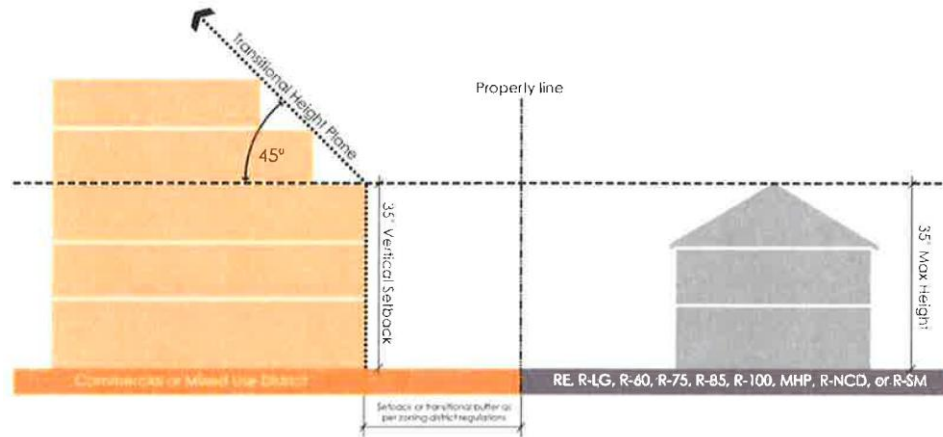


Figure 9.11 Transitional Height Plane

*Transitional housing facility* means a building or buildings in which is provided long-term but no permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance. Compare with *Homeless shelter*.

*Transparent material* means any material which allows light to be transmitted and objects to be seen clearly and with definition.

*Transportation equipment and storage or maintenance (vehicle)* means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with *Truck terminal*.

*Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

*Tree canopy* means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

*Truck stop* means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

*Truck terminal* means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility.

*Turnaround* means a space, as in a driveway, permitting the turning around of a vehicle.

*Two-part commercial block style* means a building of two stories or greater in height that has a flat roof and is characterized by a horizontal division of the building facade into two distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the building shall contain fenestration equal to 75 percent of the width of the front facade of the building.

*Universal barrier* means a type of root barrier for street trees.

*Understory tree* means a deciduous or evergreen tree which attains a mature height of no greater than 30 feet.

*University*. See *College*.

*Urban garden* means a lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots, including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. The term "urban garden" excludes gardens accessory to an individual's residence.

*Usable satellite signals* means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

*Usable open space*. See *Open space, usable*.

*Use* means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

*Utility* means any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

*Valet*. See *Parking, valet*.

*Value added products* means prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

*Van service* means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

*Variance* means permission to depart from the requirements of this chapter pursuant to the requirements of article 7 of this chapter.

*Vehicle storage yard* means a building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including, but not limited to, automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction, but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with *Auto recovery and storage*.

*Vehicle trip* means a vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

*Vehicular use area* means any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

*Vending* means vending activity as permitted on privately-owned commercial, industrial, and residential property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

*Vending/Food cart* means a pushcart which is designed to be readily movable from which food items are dispensed.

*Vendor* means any person who has been issued a valid vendor permit.

*Veterinary clinic*. See *Animal hospital*.

*Videotape sales and rental store* means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

*Viewshed* means the total visible area from an identified observation position.

*Village center* means the central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space and which may contain public space.

*Vineyard*: Cultivates grapes for wine, juice, and fresh fruit for local markets and consumers. Some vineyards process the grapes for consumption in-house, while others concentrate on the farming aspect, selling directly to wineries in the area.

*Wall* means a structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

*Wall plane* means an area of a wall between a wall offset and another wall offset or a corner.

*Truck terminal* means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility.

*Waste to energy facility* means a solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

*Weekday* means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

*Weekend* means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

*Wetlands* means an area of land meeting the definition of "wetlands" set forth in 33 CFR Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

*Wind turbine* means a turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

*Winery* means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing,

fermenting, blending, aging, storage, bottling, administrative offices, and warehousing. A winery may also include associated retail sales and tasting facilities of wine and related promotional items, as part of their operation.

*Wireless Telecommunication Facilities*, See Sub-section 4.2.57.B. - Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following:

1. Accessory-equipment (or Equipment).
2. Administrative approval.
3. Administrative review.
4. Alternative Telecommunication Support Structure.
5. Antenna.
6. Applicant.
7. Application.
8. Attached wireless telecommunications facility.
9. Carrier on wheels or cell on wheels (COW).
10. Collocate or collocation.
11. Commission.
12. Distributed antenna systems (DAS).
13. Equipment compound.
14. FAA.
15. FCC.
16. Geographic search area (GSA).
17. Grantee.
18. Guyed Structure.
19. Height.
20. Modification.
21. Ordinary maintenance.
22. Provider.
23. Public Right(s)-of-Way.
24. Public Street.
25. Small Cell or Small-Cell Installation.
26. Substantial increase in size.
27. Telecommunications Facility.
28. Telecommunications Service(s).
29. Telecommunications Support Structure.
30. Utility.
31. Visual Quality.

*Workforce housing* means for-sale housing that is affordable to those households earning 80 percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

*Xeriscape* means a landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

*Yard* means that area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

*Yard sale* means the temporary residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. The term "yard sale" includes the term estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

*Yard, corner side*, means an open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

*Yard, front*, means an area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one Front yard:

*Yard, interior side*, means a yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and those lines established by the side walls of the principal structure.

*Yard, rear*, means a yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and those lines established by the rear walls of the principal structure projected to intersect the side lot lines.

*Yard, side*, means a yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

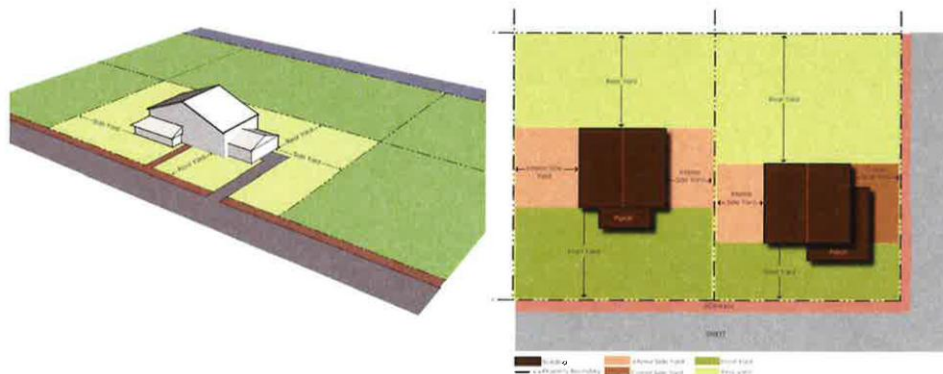


Figure 9.12 Illustration of Yard

*Zero lot line* means when location of a building in such manner that one or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

*Zoning decision* means final legislative action by a local government which results in:

1. The adoption or repeal of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

3. The adoption or denial of any amendment to a zoning ordinance to rezone the property from one zoning classification to another;
4. The adoption or denial of an amendment to a zoning ordinance by a municipal local government to rezone property to be annexed into the municipality;
5. The grant or denial of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs 3. and 5. of this definition.

(Ord. of 8-2-2017, § 1(9.1.3); Ord. No. 2018-07-04, § 1, 7-16-2018; Ord. No. 2019-11-04, § II, 11-25-2019; Ord. No. 2019-11-05, § IV, 11-25-2019; Ord. No. 2021-06-03, § 1(Exh. A, § EE), (Att. 2), 8-23-2021; Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022; Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022; Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023; Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2023-08-01, § 1(Exh. A), 8-28-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 9.2.0. Official zoning maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit A. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 2)

### **Sec. 9.3.0. Stonecrest overlay maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District"(the Stonecrest overlay maps). The Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District, to be adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The Stonecrest overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit B. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 3)

#### **Sec. 9.4.0. I-20 Corridor overlay maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the I-20 Corridor overlay maps). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit C. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 4)

#### **Sec. 9.5.0. Transition period.**

During the transition period, any department, division, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his designee. During and after the transition period, any reference to the director ~~or planning director~~ shall also refer to the ~~Planning & Zoning Director~~ **Community Development Director or his/her designee** . During and after the transition period, any reference to the planning department shall refer to the Planning **& and** Zoning ~~department~~ **Division** or the similar ~~department~~ division created by the City Council during the transition period.

(Ord. of 8-2-2017, § 5; Ord. No. 2021-06-03, § 1(Att. 2), 8-23-2021)





**PLANNING COMMISSION MEETING**  
 Stonecrest City Hall\* - 6:00 p.m.  
 \*In-Person Meeting  
 June 3, 2025

**SUMMARY MINUTES**

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

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

*Citizens wishing to make a comment during the public hearing portion of the meeting can do so by attending the hearing in-person or submitting their comment(s) to Planning and Zoning Staff via email [Planning-Zoning@stonecrestga.gov](mailto:Planning-Zoning@stonecrestga.gov) on the day of hearing, no later than 2:00 PM, to be read into the record at the hearing. When it is your turn to speak, please place your comment card on the podium, state your name, address, and relationship to the case. There is a ten (10) minutes time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.*

**I. CALL TO ORDER**

Chairperson Eric Hubbard (District 3) called the meeting to order at 6:10 p.m.

**II. ROLL CALL**

Chairperson Eric Hubbard (District 3) called the roll. Commissioner Joyce Walker (District 2) and Commissioner Lemuel Hawkins (District 5) were present. Vice Chairperson Erica Williams (District 1) and Commissioner Pearl Hollis (District 4) were absent.

Planning and Zoning Deputy Director Ellis Still, Senior Planner Ramona Eversley, Planner Fellisha Blair, Zoning Analyst Abeykoon Abeykoon, and Administrative Assistant Cobi Brown were in attendance.

Community Development Director Shawanna Qawiy and Attorney Alicia Thompson, Fincher Denmark, LLC, attended virtually.

**III. APPROVAL OF THE AGENDA**

Chairperson Hubbard asked for a motion to approve the agenda. The motion was made by Commissioner Hawkins and was seconded by Commissioner Walker. The amended agenda was APPROVED by a unanimous vote. 3-0-0

**IV. APPROVAL OF MEETING MINUTES:** *Planning Commission meeting minutes dated May 6, 2025.*

Chairperson Hubbard asked for a motion to APPROVE the meeting minutes for May 6, 2025. The motion was made by Commissioner Hawkins and seconded by Commissioner Walker. It was APPROVED by a unanimous vote. 3-0-0

**V. ANNOUNCEMENT(S)**

N/A

**VI. OLD BUSINESS**

N/A

**VII. NEW BUSINESS:**

**1. PUBLIC HEARING CASE #: TMOD25-003**

**APPLICANT:** The City of Stonecrest

**LOCATION:** City-Wide

The City of Stonecrest is seeking approval to modify Chapter 27 ZONING ORDINANCE.

**2. DECISION CASE #: TMOD25-003**

**APPLICANT:** The City of Stonecrest

**LOCATION:** City-Wide

The City of Stonecrest is seeking approval to modify Chapter 27 ZONING ORDINANCE.

**Attorney Alicia Thompson, Fincher Denmark, provided an overview of the proposed TMOD.**

**Attorney Alicia Thompson** stated that the city is petitioning to update terms in the Chapter 27 Zoning Ordinance to align with the department structure of the city. All decisions for the planning and zoning division will be made by the Community Development Director.

**Commissioner Hawkins** asked if these changes have been reflected by the human resources department.

**Attorney Alicia Thompson** stated that the TMOD will contribute to further finalizing the changes.

**Commissioner Walker** asked who the person currently in the position is. She also asked who updated and critiqued the TMOD.

**Attorney Alicia Thompson** stated that the current Community Development Director is Shawanna Qawiy. The revisions were made by Ms. Thompson and Director Qawiy.

**The public hearing was opened. There was no one to speak for or in opposition of the petition. The public hearing was closed.**

**Chairperson Hubbard** questioned if the name change would also encompass changes to the duties of one who holds the position.

**Attorney Thompson** clarified that the Community Development director is over Land Development, Building, Planning, and Zoning.

**Chairperson Hubbard** questioned how the changes aligned with the City's charter and how they would affect the power of the Planning and Zoning director.

**Attorney Thompson** stated that all of the Directors associated with Community Development will be under the Community Development Director. She also mentioned that the position changes have been approved in the City's budget, and the motive is for the code to reflect these changes.

She also mentioned that the City Council has the power to establish the departments and their directors in the city.

**Deputy Director Still** included that the Community Development Director will also preside over Code Enforcement.

**Ms. Bair, Planner of the City of Stonecrest**, informed that she has seen this organizational structure in another city that she has worked in, but there was a distinction between departments, divisions, and offices.

**Deputy Director Still** also clarified that this item will be presented at the city's Community Planning Information Meeting on June 12, 2025.

**Commissioner Hawkins** made the motion to recommend **APPROVAL** of the proposed TMOD. This motion **FAILED**. 1-2-0

**Chairperson Hubbard** made the motion to recommend **DEFERMENT** of the proposed TMOD. The motion was seconded by **Commissioner Walker**. The zoning modification request was **DEFERRED** by unanimous vote 3-0-0.

**VIII. ADJOURNMENT** The meeting was adjourned at 7:14 p.m.

*Respectfully submitted by Cobi Brown*

APPROVED:

CHAIRPERSON

Date:

ATTEST:

SECRETARY

Date:

**STATE OF GEORGIA  
DEKALB COUNTY  
CITY OF STONECREST**

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

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO AMEND CHAPTER 27 (ZONING ORDINANCE) TO UPDATE REFERENCES TO RESPONSIBLE PARTIES, DEPARTMENTS AND DIVISIONS WITHIN CHAPTER 27 RELATED TO THE REORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the governing body of the City of Stonecrest ("City") is the Mayor and City Council thereof; and

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

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

**WHEREAS**, the City Council, in consultation with the Mayor and City Manager, has determined that the reorganization of certain departments within the City is necessary and in the best interests of operations; and

**WHEREAS**, the City Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health,

welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

**WHEREAS**, in accordance with Section 2.12. (Administrative and service departments.) of the City Charter the City Council by ordinance, may establish, abolish, merge departments, and agencies of the City as it shall deem necessary for the proper administration of the affairs and government of the city; and

**WHEREAS**, the City has begun a department reorganization of its departments to include a reorganization of the Community Development Department: and

**WHEREAS**, the City desires to amend Chapter 27 (ZONING ORDINANCE) of the City of Stonecrest Code of Ordinances to change all text related to the reorganization of the Department of Community Development to reflect the following:

- Director shall mean the Community Development Director or his/her designee;
- Department shall mean the Community Development Department;
- Planning and Zoning shall mean the Planning and Zoning Division;
- Code Enforcement shall mean Code Enforcement Division;
- Land Development shall mean Land Development Division;
- Land Development shall mean Land Development Division; and

**WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance; and

**WHEREAS**, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

**WHEREAS**, the Director of Planning and Zoning recommends approval of the amendments to Chapter 27; and

**WHEREAS**, the matter was heard in the City's Community Planning Information Meeting pursuant to the provisions of the City's Zoning Procedures Law; and

**WHEREAS**, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

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

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

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

**Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended in Chapter 27 (Zoning Ordinance) to update references to responsible parties, departments and divisions within Chapter 27 related to the reorganization of the Community Development Department by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

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

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

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their 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 Stonecrest, Georgia.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF STONECREST, GEORGIA**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT A  
(SEE ATTACHED)**



## Chapter 27 ZONING ORDINANCE

### ARTICLE 1. GENERAL REQUIREMENTS

#### DIVISION 1. GENERAL PROVISIONS

##### Sec. 1.1.1. Short title.

This chapter shall be known and shall be cited as the "Zoning Ordinance of Stonecrest, Georgia," and may be referred to herein as "zoning ordinance" or "this chapter."

(Ord. of 8-2-2017, § 1(1.1.1))

##### Sec. 1.1.2. Effective date.

This zoning ordinance was adopted on August 7, 2017, and became effective on August 7, 2017 (the "effective date"). As of the effective date, any pre-existing zoning ordinance shall be repealed.

(Ord. of 8-2-2017, § 1(1.1.2))

##### Sec. 1.1.3. Purpose and intent of code.

This chapter is enacted by the City of Stonecrest to promote the public health, safety, morals and general welfare of the residents of the City of Stonecrest, Georgia, and to implement the Comprehensive Plan. To these ends, this chapter is intended to achieve the following purposes:

- A. To guide and regulate the orderly growth, development, redevelopment and preservation of the City of Stonecrest in accordance with a well-considered comprehensive plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people;
- B. To protect the established character of both private and public property;
- C. To promote, in the public interest, the wise utilization of land;
- D. To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- E. To reduce or prevent congestion in the public streets;
- F. To facilitate the creation of a convenient, attractive and harmonious community;
- G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
- H. To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- I. To protect against destruction of, or encroachment upon, historic areas;

- J. To protect against overcrowding of land, overcrowding of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health or property from fire, flood, or other danger;
- K. To encourage economic development activities that provide desirable employment and enlarge the tax base;
- L. To promote the preservation of the unique natural and physical resources of the City including forested areas, riverbeds, stream beds, and archaeological sites;
- M. To achieve compliance with all applicable state and federal regulations;
- N. To protect the public welfare by protecting approach slopes and other safety areas of licensed airports;
- O. To provide for and promote housing for all income groups and all citizens within the city;
- P. To implement the authority, powers and duties of the planning commission and the zoning board of appeals pursuant to state and local law, including, but not limited to, Ga. Const. art. IX, section II, ¶ IV;
- Q. To reduce or eliminate the secondary effects of sexually oriented businesses and other establishments that create such secondary effects while protecting legitimate constitutional rights of said establishments; and
- R. To provide for protection of the constitutional rights and obligations of all citizens within the city.

(Ord. of 8-2-2017, § 1(1.1.3))

#### **Sec. 1.1.4. Minimum requirements.**

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare, as set forth in section 1.1.3 hereof establishing the intent and purpose of this chapter. Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties or variances or waivers, as provided for in article 7 of this chapter.

(Ord. of 8-2-2017, § 1(1.1.4))

#### **Sec. 1.1.5. Authority.**

This chapter is enacted pursuant to the City of Stonecrest's authority to adopt plans and exercise the power of zoning granted by the Ga. Const. art. IX, section II, ¶ IV; City of Stonecrest's authority to enact regulations and exercise powers granted by the Ga. Const. art. IX, section II, ¶¶ I and III; authority granted by the State of Georgia, the City of Stonecrest's Charter, and the Official Code of Georgia Annotated (O.C.G.A.); the city's general police powers; and other powers and authority provided by federal, state and local laws applicable hereto.

(Ord. of 8-2-2017, § 1(1.1.5))

#### **Sec. 1.1.6. General applicability.**

All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning district or districts in which such buildings, structures, uses or land

are located. Existing buildings, structures and uses which comply with the regulations of this chapter shall be subject to all regulations of this chapter. Existing buildings, structures and uses which do not comply with the regulations of this chapter shall be authorized to continue subject to the provisions of article 8 of this chapter relating to nonconformities.

(Ord. of 8-2-2017, § 1(1.1.6))

#### **Sec. 1.1.7. Applicability to all property.**

The regulations in this chapter shall apply to all buildings, structures, land and uses within the incorporated area of Stonecrest, Georgia.

(Ord. of 8-2-2017, § 1(1.1.7))

#### **Sec. 1.1.8. General prohibition.**

No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this chapter. No use of any land, building, structure or property shall be permitted unless expressly and specifically authorized in the district or districts within which said use is located or by the supplemental regulations contained in article 4 of this chapter. When a use is not directly mentioned, the ~~director of planning~~ **Community Development Director or his/her designee** may determine that the proposed use is functionally similar to an allowed land use, as listed in Table 4.1, Use Regulations. The city council subsequently amend the applicable definitions in article 9 of this chapter, pursuant to the amendment procedures in article 7 of this chapter.

(Ord. of 8-2-2017, § 1(1.1.8))

#### **Sec. 1.1.9. Interpretation and authority to administer.**

The ~~director of planning~~ **Community Development Director or his/her designee** is designated to administer, interpret and enforce the provisions of this chapter for all proposed zoning, variances, comprehensive planning, and applications requiring zoning compliance, including, but not limited to, subdivisions, site plans, permits and zoning compliance certifications for licenses and occupational taxes. Unless otherwise specified, where this zoning ordinance refers to "the director" or ~~"the planning director,"~~ it shall mean the ~~director of planning~~ **Community Development Director** or his **/her** designee.

(Ord. of 8-2-2017, § 1(1.1.9))

#### **Sec. 1.1.10. Components of zoning ordinance.**

This chapter and the official zoning map and official overlay district maps of the city on file and maintained by the ~~planning and zoning department~~ **division** shall together constitute the zoning ordinance.

(Ord. of 8-2-2017, § 1(1.1.10))

### Sec. 1.1.11. Transitional provisions.

- A. *New development.* Upon the effective date of this zoning ordinance or any subsequent amendment thereafter, any new building, structure or lot legally established shall be used, constructed or developed only in accordance with all applicable provisions of this zoning ordinance.
- B. *Existing development.* Any existing use, lot, building or other structure legally established prior to the effective date of this zoning ordinance that does not comply with all of the provisions of this zoning ordinance shall be subject to the provisions of article 8 of this chapter, nonconformities.
- C. *Transition to new zoning districts.* The zoning district names in effect under DeKalb County's prior version of its zoning ordinance are converted as shown in Table 1.1. To the extent other sections of the Code of the City of Stonecrest refer to such previous district names, unless and until such other sections are amended to reflect a new intent, any reference to such previous district names shall be deemed to refer to both the previous district name and the new district name to which it is converted in this zoning ordinance.
- D. *Pre-existing violations.* Any violation of the pre-existing zoning ordinance for which a citation has been issued as of the effective date of this zoning ordinance shall continue to be prosecuted subject to the penalties existing at the time of the issuance of the citation. If a violation of the pre-existing zoning ordinance existed as of the effective date of this zoning ordinance without a citation having been issued, and if the underlying activity that would have constituted a violation under the pre-existing zoning ordinance would not constitute a violation under this zoning ordinance, the violation shall be deemed to have been cured and no citation shall be issued.
- E. *Completed applications prior to effective date of this zoning ordinance.*
  - 1. Any proper and complete application (as defined in article 9 of this chapter) for a permit, license, rezoning, variance, or other approval that was submitted to and accepted by the DeKalb County planning department prior to the effective date of this zoning ordinance shall be evaluated by the City of Stonecrest based on the applicable law, rules, regulations and development standards in place at the time the application was submitted.
  - 2. Applicants who submitted an application prior to the effective date of this zoning ordinance but who wish to proceed under the standards of this zoning ordinance may withdraw their application and submit a new application in accordance with the standards in this zoning ordinance and pay any fee required under this zoning ordinance.
- F. *Prior approvals.*
  - 1. *Zoning conditions.*
    - a. Any project that was approved prior to the effective date of the ordinance from which this chapter is derived by DeKalb County may be developed according to the provisions of the previously approved development, program, or plan. Where conditions were attached to such prior approval and such conditions conflict with a standard or requirement of this zoning ordinance, the previously approved zoning condition shall apply. If a previously approved development, program, plan or condition does not address a particular development standard or requirement of this zoning ordinance, the new standard or requirement of this zoning ordinance shall apply.
    - b. If an owner or applicant desires to have the standards and requirements of this chapter to apply instead of standards and requirements established by previously approved zoning conditions, the owner or applicant must apply for a zoning condition amendment, as provided in article 7 of this chapter.

- c. Notwithstanding subsections A. and B. of this section, when no land disturbance or building permit has been issued on property located in an overlay district and on which a zoning condition was previously approved, and if the previously approved zoning condition is in conflict with the overlay district regulations, the overlay district regulations shall supersede the previously approved zoning condition.
2. *Development applications.* Projects with valid approvals or permits issued prior to the effective date of this zoning ordinance may be developed in accordance with the applicable law, rules, regulations and development standards in effect at the time of the approval or permit issuance, provided the permit or approval is valid and has not lapsed. Any reapplication for an expired approval or permit shall meet the standards of this zoning ordinance.
3. *Special land use permits.* Properties subject to a special land use permit that was approved prior to the effective date of this zoning ordinance shall continue to be subject to the terms of the special land use permit and previous zoning regulations even if the zoning district classification is amended to a new zoning district as part of the adoption of this zoning ordinance.

Table 1.1. Prior Zoning District Conversion to Established New Districts

Old District	New District by Type	District Name
<i>Residential Single-Family Districts</i>		
R-200	Residential Estate	RE
R-150		
R-30,000	Residential Large Lot	RLG
R-20,000		
R-100	Residential Medium Lot	R-100
R-85	Residential Medium Lot	R-85
R-75	Residential Medium Lot	R-75
R-60	Residential Small Lot	R-60
R-50		
MHP	Mobile Home Park	MHP
R-NVD	Neighborhood Conservation	RNC
<i>Medium and High Density Residential Districts</i>		
R-A5	Small Lot Residential Mix	RSM
R-A8		
R-CH		
R-CD		
R-DT		
TND		
RM-150		
RM-100	Medium Density Residential-1	MR-1
RM-85	Medium Density Residential-2	MR-2
RM-75		
New	High Density Residential-1	HR-1
RM-HD	High Density Residential-2	HR-2
New	High Density Residential-3	HR-3
<i>Mixed Use Districts</i>		
PC-1	Mixed Use Low Density	MU-1
New	Mixed Use Low-Medium Density	MU-2
New	Mixed Use Medium Density	MU-3

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OCR	Mixed Use High Density	MU-4
PC-2, PC-3	Mixed Use Very High Density	MU-5
<i>Nonresidential Districts</i>		
NS	Neighborhood Shopping	NS
C-1	Local Commercial	C-1
C-2	General Commercial	C-2
O-I-T	Office-Institutional-Transitional	OIT
O-I	Office-Institutional	OI
O-D	Office-Distribution	OD
M	Light Industrial	M
M-2	Heavy Industrial	M-2

(Ord. of 8-2-2017, § 1(1.1.11))

### **Sec. 1.1.12. Relation to and conflict with other provisions.**

The provisions of this chapter shall be interpreted and applied so as to constitute the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required by any federal or state law or other city ordinance, resolution or regulation, the provision of this chapter shall govern unless preempted by said federal or state law. Whenever any provision of any federal or state law or other city ordinance, resolution or regulation imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statute or other city ordinance or regulation shall apply. Whenever any conflict arises between this chapter and chapter 14 of the Code of the City of Stonecrest, the provisions of this zoning ordinance shall prevail, with the exception of chapter 14, article II, environmental control. Compliance with the provisions of this chapter shall not be interpreted to obviate the requirements for compliance with any and all other provisions of federal or state law, or the Code, including, but not limited to, the requirements for licenses or permits of any kind.

(Ord. of 8-2-2017, § 1(1.1.12))

### **Sec. 1.1.13. Relation to private agreements.**

This chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship, provided that when the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this chapter shall govern. Private restrictive covenants to which the city is not a party shall not be regulated or enforced by the city under this chapter.

(Ord. of 8-2-2017, § 1(1.1.13))

### **Sec. 1.1.14. Zoning maps.**

The city shall be divided into the zoning districts identified in articles 2 and 3 of this chapter, as depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

The official zoning maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city

council. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

Any subsequent amendments made by the city council to the official zoning maps after the initial date of adoption with this chapter shall be indicated on the digital version of the official zoning maps by the ~~director of planning~~ **Community Development Director or his/her designee**. The ~~director of the planning~~ **Community Development Director or his/her designee** shall continuously maintain the digital version of the official zoning maps so that they accurately show all amendments made thereto by the city council since the initial date of adoption, indicating the dates of said amendments. A copy of the updated and current version of the official zoning maps in digital format, showing all amendments thereto since the date of initial adoption, shall be held in the custody of the ~~director of planning~~ **Community Development Director or his/her designee**.

Any conditions of zoning related to any property, either existing at the time of initial adoption imposed by DeKalb County or subsequently imposed by the city council shall be on the official zoning maps, with reference to the applicable zoning case number. The clerk to the city council shall maintain custody of the minutes applicable to the referenced zoning case numbers adopted by the City of Stonecrest, which state the zoning conditions. The ~~community development~~ **director of planning** shall maintain the minutes applicable to zoning conditions adopted by DeKalb County prior to the incorporation of the City of Stonecrest. All conditions referenced in the minutes of DeKalb County on parcels previously imposed by DeKalb County are hereby adopted and incorporated as if they were adopted by the City of Stonecrest. If there is a conflict between the conditions on the official zoning map, or the condition is not depicted on the official zoning map, the conditions imposed in the text of the minutes incorporating the conditions shall apply. Uncertified copies of the official zoning maps may be provided to the public for informational purposes only.

Verifications of the current zoning status of property shall be the responsibility of the ~~director of planning~~ **Community Development Director or his/her designee**. To verify the current zoning status of a particular parcel, an individual may obtain a certified copy of the official zoning maps, or a portion thereof, from the ~~director of planning~~ **Community Development Director or his/her designee**. Certified copies of the official zoning maps, or portions thereof, shall be certified by the ~~director of planning~~ **Community Development Director or his/her designee** with his signature and the date on which the portions were certified. The ~~director of planning~~ **Community Development Director or his/her designee** shall be the final authority as to the current zoning status of all land, buildings and structures located in the city, except for:

- (1) Amendments enacted by the city council but not yet depicted on the official zoning maps; and
- (2) Uncertainties to be clarified by the city council as described in section 1.1.15.

Any inaccuracy on the official zoning maps that is reasonably determined to be a scrivener's error may be corrected by the ~~planning director~~ **Community Development Director or his/her designee**.

(Ord. of 8-2-2017, § 1(1.1.14))

### **Sec. 1.1.15. Interpretation of zoning maps.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of any easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line.

- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limit lines shall be construed as following such city limits.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway in the right-of-way.
- E. Boundaries indicated as approximately following shorelines of bodies of water shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks, streams, rivers, or other predominantly linear bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or concentric with, or extensions of features indicated in sections A. through E. of this section, shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the official zoning map by the ~~director of planning~~ **Community Development Director or his/her designee.**
- G. Where areas appear to be unclassified on the official zoning map, and classification cannot be established by the above rules, such areas shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
- H. Where territory is added to the jurisdictional area, it shall be considered to be classified Residential Estate (RE) until action is taken by the city council to amend the official zoning map.
- I. Where uncertainties continue to exist or further interpretation is required beyond that provided for in the above sections, the question shall be presented by the ~~director of planning~~ **Community Development Director or his/her designee.** to the city council to enact a clarifying resolution and said action shall be recorded on the official zoning map as is provided herein.

(Ord. of 8-2-2017, § 1(1.1.15))

#### **Sec. 1.1.16. Rules applicable to parcels split into two or more zoning districts.**

Where a parcel of land is split into two or more zoning districts, each such portion of said parcel may only be used for the purposes allowed within the zoning district to which each respective portion is classified. No principal or accessory use of land, buildings or structures, and no use or building or structure authorized by special administrative permit, special land use permit, or special exception, shall be authorized unless said use or building or structure is authorized or permitted within the applicable zoning district.

(Ord. of 8-2-2017, § 1(1.1.16))

#### **Sec. 1.1.17. Reserved.**

#### **Sec. 1.1.18. Transition period.**

In the event that chapter 27 references a code, section, plan, or ordinance of DeKalb County that has not been adopted, amended or developed by the City of Stonecrest, DeKalb County's current version of the code, section, plan or ordinance shall apply. In the event that chapter 27 refers to a department or official not yet created in the City of Stonecrest, the reference shall refer to the ~~planning director~~ **Community Development Director** or his/her designee.

(Ord. of 8-2-2017, § 1(1.1.18))



**Sec. 1.1.19. Annexation.**

When the city is a qualified municipality pursuant to O.C.G.A. § 36-66-4(e), all annexed property shall be zoned without further action for the same use for which that property was zoned immediately prior to annexation. (Ord. of 8-2-2017, § 1(1.1.19))

***DIVISION 2. RELATIONSHIP TO COMPREHENSIVE PLAN<sup>1</sup>*****Sec. 1.2.1. Relationship to comprehensive plan.**

- a) *Role of the comprehensive plan.* The city comprehensive plan, consisting of its future development map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the city comprehensive plan, as may be amended from time to time, shall be maintained at the Planning & Zoning ~~Department~~ **Division** and be available for inspection by the public.
- b) *Relationship between the comprehensive plan and zoning.* The city comprehensive plan does not change the existing zoning districts in the city, and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official city zoning map and text of the zoning ordinance.
- c) *Consistency with comprehensive plan character areas.* Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the City Council, following the procedures in this Zoning Ordinance.
- d) *Amendments to the comprehensive plan.* The comprehensive plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for amendment exceptions shall be subject to same approval process as any regular scheduled comprehensive plan update, being subject to approval by City Council after receiving recommendations from the Planning Commission and following all the required elements of public involvement process, including public hearings.

(Ord. No. 2021-06-03, § 1(Exh. A § A), 8-23-2021)

**ARTICLE 2. DISTRICT REGULATIONS**

<sup>1</sup>Ord. No. 2021-06-03, § 1(Exh. A, § A), adopted August 23, 2021, amended **Division** 2 in its entirety to read as herein set out. Former **Division** 2, §§ 1.2.1—1.2.4, pertained to similar subject matter, and derived from Ord. of August 2, 2017, § 1(1.2.1)—(1.2.4).

- CODE OF ORDINANCES  
Chapter 27 - **ZONING** ORDINANCE  
ARTICLE 2. - DISTRICT REGULATIONS  
**DIVISION** 1. ESTABLISHMENT OF DISTRICTS

## DIVISION 1. ESTABLISHMENT OF DISTRICTS

### Sec. 2.1.1. Districts established.

City of Stonecrest establishes the following zoning districts listed in Table 2.1, which apply to property as illustrated on the official zoning map. See article 3 of this chapter for overlay districts.

Table 2.1. Zoning Districts Established

District Name	District Type
<i>Residential Single-Family Districts</i>	
RE	Residential Estate
RLG	Residential Large Lot
R-100	Residential Medium Lot-100
R-85	Residential Medium Lot-85
R-75	Residential Medium Lot-75
R-60	Residential Small Lot
MHP	Mobile Home Park
RNC	Neighborhood Conservation
<i>Medium and High Density Residential Districts</i>	
RSM	Small Lot Residential Mix
MR-1	Medium Density Residential-1
MR-2	Medium Density Residential-2
HR-1	High Density Residential-1
HR-2	High Density Residential-2
HR-3	High Density Residential-3
<i>Mixed Use Districts</i>	
MU-1	Mixed-Use Low Density
MU-2	Mixed-Use Low-Medium Density
MU-3	Mixed-Use Medium Density
MU-4	Mixed-Use High Density
MU-5	Mixed-Use Very High Density
<i>Nonresidential Districts</i>	
NS	Neighborhood Shopping
C-1	Local Commercial
C-2	General Commercial
OD	Office-Distribution
OI	Office-Institutional
OIT	Office-Institutional-Transitional
M	Light Industrial
M-2	Heavy Industrial

(Ord. of 8-2-2017, § 1(2.1.1))

### Sec. 2.1.2. Prior district classifications and conversion.

The zoning district classifications established prior to the effective date of this zoning ordinance in DeKalb County that are no longer active shall be treated as classifications as shown in article 1 of this chapter, Table 1.1.

(Ord. of 8-2-2017, § 1(2.1.2))

### Sec. 2.1.3. Additional regulations.

Additional regulations for a variety of development and building types can be found in article 4 of this chapter (use regulations), article 5 of this chapter (site development regulations), and article 6 of this chapter (parking). Street type classifications for front setback requirements are set forth in chapter 14.

(Ord. of 8-2-2017, § 1(2.1.3))

### Sec. 2.1.4. Reserved.

Ord. No. 2021-06-03, § 1(Exh. A § B), adopted August 23, 2021, repealed § 2.1.4, which pertained to appropriate zoning districts for character area designations and derived from Ord. of August 2, § 1(2.1.4).

### Sec. 2.1.5. Permitted uses.

Permitted principal and accessory uses by zoning district, and whether a use is allowed by right or only with special approval, are set forth in Table 4.1. Table 4.1 also provides additional notation where supplemental regulations, also found in article 4 of this chapter, may apply.

## *DIVISION 2. RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS*

### Sec. 2.2.1. Dimensional requirements.

Dimensional requirements, such as overall site requirements, individual lot dimensions, and setbacks for residential zoning districts are established in Table 2.2, Residential Zoning Districts Dimensional Requirements. Residential infill development may also be subject to compatibility regulations as specified in sections 5.2.3 and 5.2.4.

Table 2.2. Residential Zoning Districts Dimensional Requirements

<i>Residential Single-Family Zoning Districts</i>								
KEY: Housing Types: SF: Single-Family, TF: Two-Family, TRF: Three-Family, MF: Multifamily								
Element	RE	RLG	R-100	R-85	R-75	R-60	MHP	RNC*
<i>Lot Dimensions (minimum)</i>								
Lot area (square feet)	43,560 (1 acre)	20,000	15,000	12,000	10,000	6,000/3,500 cottage	Parks: 20 acres Lots: 4,000	*

Lot width, street frontage (feet)	150	65	100	85	75	60	Parks: 400 Lots: 50	*
Lot width at building line (feet)	150	65	100	85	75	60	N/A	*
Lot width fronting cul-de-sac (feet)	35	35	35	35	35	35	N/A	*
Lot coverage (maximum percent)	25	30	35	35	35	35	N/A	*
<i>Building Setbacks (minimum) Subject to article 5 of this chapter, Averaging Requirements</i>								
Front thoroughfares (feet)	60	70	50	50	45	30	Parks: 250 Lots: 10	*
Front arterials (feet)	50	60	40	40	35	20	150	*
Front collector and all other streets (feet)	45	55	35	35	30	If RC/TC/NC: 15 If SUB: 20	100	*
Front with alley access (feet)	N/A	25	25	25	25	10	Parks: N/A Lots: 10	*
Side - interior building setback (feet)	20	10	10	8.5	7.5	7.5	Parks: 50 Lots: 7.5	*
Side - corner lot on public street (feet)**	Same as district indicates front setback, following street type along the corner side property line							
Rear (feet)	40	40	40	40	40	30	Parks: 40**** Lots: 7.5****	*
<i>Unit Size, heated living area (minimum)</i>								
Unit size (square feet)	2,000	2,000	2,000	1,800	1,600	1,200 If cottage: 800—1,200	N/A	*
<i>Height (maximum)</i>								
Main building (feet) (Residential)	35	35	35	35	35	35	35	*

infill overlay = 28 feet)								
Accessory building (feet)	24	24	24	24	24	24	N/A	*
<i>Open Space (minimum percent)</i>								
Open space	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	20 percent***	*

\* See division 10 of this article.

\*\* See article 5 of this chapter, corner lots section for reduction eligibility.

\*\*\* Open space requirement shall apply to new subdivisions if project is > five acres or > 36 units (chapter 14).

\*\*\*\* 100 feet if adjacent to property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(2.1.5); Ord. No. 2021-06-03, § 1(Exh. A, § C), 8-23-2021)

### ***DIVISION 3. RE (RESIDENTIAL ESTATE) DISTRICT***

#### **Sec. 2.3.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RE (Residential Estate) District is as follows:

- A. To preserve rural and estate residential character and to provide for very low density rural For sale residential communities.
- B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one acre;
- C. To provide protections for existing development as new subdivisions are created;
- D. To ensure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens;
- F. To provide areas for agricultural uses as appropriate;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.3.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.3.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Dairy; see section 4.2.
  - b. Keeping of livestock; see section 4.2.
  - c. Keeping of poultry/pigeons; see section 4.2.
  - d. Livestock sales pavilion; see section 4.2.
  - e. Riding academies or stables; see section 4.2.
  - f. Sawmill, temporary or portable; see section 4.2.
  - g. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Dwelling, single-family (detached).
3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Commercial.
  - a. Kennel, noncommercial.
5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Party house.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.

- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Special events facility.
    - f. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Animal shelter/rescue center; see section 4.2.
    - c. Child day care facility, up to 6; see section 4.2.
    - d. Kennel, breeding; see section 4.2.
    - e. Kennel, commercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.

- a. Accessory uses and structures.
  - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
- 2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.3.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.3.3. Dimensional requirements.**

Dimensional requirements for the RE (Residential Estate) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.3.3))

### **Sec. 2.3.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.3.4))

## ***DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT***

### **Sec. 2.4.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RLG (Residential Large Lot) District is as follows:

- A. To provide for the development of large lot dwelling, Single Family "For Sale" residential subdivisions and For Sale Communities.
- B. To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of 20,000 square feet, but may have narrow lot widths;
- C. To provide for compatible infill development in neighborhoods;
- D. To provide protections for existing development as new subdivisions are created;
- E. To respond to existing site development conditions and patterns;
- F. To ensure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- G. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;



H. To implement the future development map of the city's comprehensive plan.  
(Ord. of 8-2-2017, § 1(2.4.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.4.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Party house.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.

- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses and structures.

- b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
- 2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.4.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.4.3. Dimensional requirements.**

Dimensional requirements for the R-LG District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.4.3))

### **Sec. 2.4.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.4.4))

## ***DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT***

### **Sec. 2.5.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.5.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

4. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Short-term vacation rental.
  2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.

- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- 3. Commercial.
  - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.5.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.5.3. Dimensional requirements.**

Dimensional requirements for the R-100 (Residential Medium Lot-100) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.5.3))

### **Sec. 2.5.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.5.4))

## ***DIVISION 6. R-85 (RESIDENTIAL MEDIUM LOT-85) DISTRICT***

### **Sec. 2.6.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-85 (Residential Medium Lot-85) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 12,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-85 (Residential Medium Lot-85) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.6.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.6.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, single-family (detached).
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.

- a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
    - c. Kennel, noncommercial.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Fitness center.



(Ord. of 8-2-2017, § 1(2.6.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.6.3. Dimensional requirements.**

Dimensional requirements for the R-85 (Residential Medium Lot-85) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.6.3))

### **Sec. 2.6.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.6.4))

## ***DIVISION 7. R-75 (RESIDENTIAL MEDIUM LOT-75) DISTRICT***

### **Sec. 2.7.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-75 (Residential Medium Lot-75) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 10,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-75 (Residential Medium Lot-75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.7.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.7.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Keeping of livestock; see section 4.2.
  - b. Keeping of poultry/pigeons; see section 4.2.
  - c. Riding academies or stables; see section 4.2.
  - d. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Dwelling, single-family (detached).
3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.

- a. Home occupation, with customer contact; see section 4.2.
  - b. Child care home, 5 or less; see section 4.2.
  - c. Convents or monasteries; see section 4.2.
  - d. Personal care home, 6 or less; see section 4.2.
  - e. Senior housing; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Places of worship; see section 4.2.
  - c. Recreation club; see section 4.2.
  - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - e. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Child day care facility, up to 6; see section 4.2.
  - c. Kennel, noncommercial.
- 4. Communication—Utility.
  - a. Amateur radio service or antenna; see section 4.2.
- 5. Wireless Telecommunication.
  - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.7.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.7.3. Dimensional requirements.**

Dimensional requirements for the R-75 (Residential Medium Lot-75) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.7.3))

#### **Sec. 2.7.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.7.4))

### ***DIVISION 8. R-60 (RESIDENTIAL SMALL LOT-60) DISTRICT***

#### **Sec. 2.8.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the R-60 (Residential Small Lot-60) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 6,000 square feet or 3,500 square feet if developed for cottage houses;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design within new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-60 (Residential Small Lot-60) District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.8.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.8.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, cottage home.
    - b. Dwelling, single-family (detached).

3. Institutional/Public.
  - a. Golf course or clubhouse, public or private; see section 4.2.
  - b. Government facilities.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.

2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
  4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2
  5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.8.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.8.3. Dimensional requirements.**

Dimensional requirements for the R-60 (Residential Small Lot-60) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.8.3))

### **Sec. 2.8.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.8.4))

- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 2. - DISTRICT REGULATIONS  
**DIVISION** 9. MHP (MOBILE HOME PARK) DISTRICT

## ***DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT***

### **Sec. 2.9.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MHP (Mobile Home Park) District is as follows:

- A. To provide For Sale or For Rent residential locations within the city for the location of mobile home parks.
- B. To provide for the development of accessory uses that are necessary in order to provide appropriate recreational and educational opportunities to residents.

(Ord. of 8-2-2017, § 1(2.9.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.9.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, mobile home; see section 4.2.
    - b. Dwelling, single-family (detached).
    - c. Mobile home park.
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Child day care center (kindergarten), 7 or more.

5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary produce stand; see section 4.2.
    - d. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Senior housing; see section 4.2.
  2. Institutional/Public.
    - a. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - b. Swimming pools, commercial; see section 4.2.
  3. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
  2. Institutional/Public.
    - a. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.



- a. Fitness center.

(Ord. of 8-2-2017, § 1(2.9.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.9.3. Dimensional requirements.**

Dimensional requirements for the MHP (Mobile Home Park) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.9.3))

### **Sec. 2.9.4. Site and building design standards.**

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.9.4))

### **Sec. 2.9.5. Transitional buffer zone requirement.**

Where a lot in the MHP (Mobile Home Park) District is used for attached single-family dwellings and adjoins the boundary of any property in a Residential Single-Family District, except property on which is located a single-family attached development, a transitional buffer zone not less than 50 feet in width shall be provided and maintained in a natural state. In addition, a screening fence not less than six feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining single-family residential property.

(Ord. of 8-2-2017, § 1(2.9.5))

## ***DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT***

### **Sec. 2.10.1. Scope of provisions.**

The provisions contained within this division are the regulations of the RNC (Residential Neighborhood Conservation) "For Sale" District. This division establishes the procedures and the criteria that the City Council shall utilize in making a decision on any application to amend the official zoning map so as to change any parcel of land to the RNC (Residential Neighborhood Conservation) District.

(Ord. of 8-2-2017, § 1(2.10.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.10.2. Statement of purpose and intent.**

The purpose and intent of the City Council in the RNC (Residential Neighborhood Conservation) District is as follows:

- A. To encourage creative residential planning and development within the city that will preserve unique environmental features and be consistent with the comprehensive land use plan and preserves existing natural trees and vegetation;

- B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;
- C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;
- D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;
- F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;
- G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and
- H. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.10.2); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.10.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Keeping of livestock; see section 4.2.
    - b. Keeping of poultry/pigeons; see section 4.2.
    - c. Riding academies or stables; see section 4.2.
    - d. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Dwelling, cottage home.
    - b. Dwelling, single-family (detached).
    - c. Dwelling; three family; see section 4.2.
    - d. Dwelling, townhouse; see section 4.2.
    - e. Dwelling, two-family; see section 4.2.
  - 3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.

4. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
5. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales or events, seasonal; see section 4.2.
    - d. Temporary produce stand; see section 4.2.
    - e. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Home occupation, with customer contact; see section 4.2.
    - b. Child care home, 5 or less; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Senior housing; see section 4.2.
  2. Institutional/Public.
    - a. Places of worship; see section 4.2.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - d. Swimming pools, commercial; see section 4.2.

3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Child day care facility, up to 6; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  3. Commercial.
    - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.10.3); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.10.4. Scaled site plan.**

In addition to the information and materials required as part of any application to amend the official zoning map pursuant to this chapter, each applicant for RNC (Residential Neighborhood Conservation) District classification shall submit a scaled and dimensioned site plan, which, where applicable, shall contain the following information:

- A. Size of each lot proposed to be developed within the district;
- B. Housing types (e.g., single-family detached, single-family detached condominium);
- C. Amount of land in greenspace areas to be held in joint ownership, common ownership, or control in perpetuity;
- D. Connections between greenspaces within the project and to greenspace areas on adjacent properties where possible;
- E. Building envelopes for fee simple lots;
- F. Building and driveway footprint for each single-family detached condominium;
- G. Maximum lot coverage;
- H. All streams and water bodies, including state and city stream buffer limits;
- I. Vehicular and pedestrian circulation and connections within the project and to amenities and features on adjacent property;
- J. Any aboveground detention areas serving as an amenity feature;
- K. Underground detention facilities;
- L. Flood hazard areas, wetlands, springheads, and all environmentally sensitive areas, if any;
- M. Access to public sewer;
- N. All easements;

- O. Right-of-way intended to be dedicated;
- P. Amount of land area and nonbuildable areas as identified in subsection B. of this section; and
- Q. Tree survey in compliance with chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.4))

### **Sec. 2.10.5. Calculation and design of greenspace.**

The following standards shall govern the calculation and design of greenspace in the RNC (Residential Neighborhood Conservation) District:

- A. The allotted greenspace shall comprise at least 30 percent of the total land area excluding the undevelopable areas as identified in subsection B of this section. No part of any single-family detached residential lot, private street, private drive, or street right-of-way, front yard setback, nor any area utilized for side-to-side building separation except when used for a path or sidewalk connection to greenspace, shall count towards greenspace.
- B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:
  - 1. Streams and stream buffers;
  - 2. Wetlands;
  - 3. Rock outcroppings;
  - 4. Slopes steeper than 1:2 slope;
  - 5. Sites of archaeological significance;
  - 6. Floodplains; or
  - 7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.10.4.
- C. For properties ten acres or less, at least 50 percent of the allotted greenspace shall be in an area or areas that each measure a minimum 200 square feet. For properties greater than ten acres, at least 50 percent of the allotted greenspace shall be contiguous and shall be a minimum width of 50 feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.
- D. Greenspace may consist of and be designed for the following uses only:
  - 1. Natural undisturbed areas;
  - 2. Active recreation areas;
  - 3. Community gathering places;
  - 4. Trails and greenways;
  - 5. Bikeways and paths;
  - 6. Asphalt or concrete bikeways and paths with a maximum width of eight feet;
  - 7. Landscaped stormwater management facilities, which are constructed as part of an on-site stormwater mitigation site design feature and which are graded such that no safety fencing is required;

- 8. Mature wooded areas; or
- 9. Specimen trees, as defined in chapter 14 of this Code.
- E. No impervious surface, except:
  - (1) Areas used for active recreation;
  - (2) Historic buildings or historic sites; and
  - (3) Asphalt or concrete bike paths and paths with a maximum width of eight feet, may be considered in the greenspace calculation.

Paths that require grading must not damage critical root zones of specimen trees.
- F. Preserved historic buildings or sites may be included in greenspace if intended to be for the common use and benefit of all residents of the subdivision.
- G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian paths and/or sidewalks, which shall be a minimum width of five feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.
- H. Greenspace shall connect with other greenspace areas and trails on adjacent property where possible.
- I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains 100 or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between 100 and 200 units, inclusive, shall include an active recreation area of at least one acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than 200 units, shall include a minimum of either a single active recreation area of at least two acres in size or two active recreation areas that are each at least one acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

(Ord. of 8-2-2017, § 1(2.10.5))

#### **Sec. 2.10.6. Development standards and permitted uses.**

- A. Property within an RNC (Residential Neighborhood Conservation) District shall have a minimum of seven acres.
- B. Specimen trees located outside of the buildable area of a lot shall be preserved subject to the review of the city arborist.
- C. Active recreation areas, greenspace, stormwater management facilities, trails, bikeways, and paths, as approved, shall be installed prior to the recording of the conservation subdivision final plat.
- D. There shall be no impervious surfaces within the 75-foot stream buffer, except as provided for above in sections 2.10.5.D.4 through 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.6))

**Sec. 2.10.7. Minimum lot width; minimum lot size; building setback; street width; and private drive width requirements.**

- A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  2. Minimum lot width: At least 60 feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.
  3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.
  4. Minimum building setback adjacent to public or private streets:
    - a. From thoroughfares: 30 feet.
    - b. From arterials: 30 feet.
    - c. From collector streets: 30 feet.
    - d. From local streets: 20 feet.
  5. Minimum interior lot side building setback: 7½ (7.5) feet.
  6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
  7. Minimum rear building setback: 20 feet.
- B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.
  3. Minimum distance between building structures: 15 feet.
  4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
  5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.
  6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.

7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.

C. Reserved.

(Ord. of 8-2-2017, § 1(2.10.7); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.10.8. Maximum height of buildings.**

No building in the RNC (Residential Neighborhood Conservation) District shall exceed a height of 35 feet.

(Ord. of 8-2-2017, § 1(2.10.8))

#### **Sec. 2.10.9. Maximum lot coverage.**

The lot coverage of each lot used for a single-family detached dwelling shall not exceed 50 percent.

(Ord. of 8-2-2017, § 1(2.10.9))

#### **Sec. 2.10.10. Ownership, control, and maintenance of required greenspace.**

- A. *Unified control of parcel.* Any applicant for rezoning or for issuance of a land disturbance permit for property within an RNC (Residential Neighborhood Conservation) District shall be required to provide evidence of a legal mechanism for unified control of the entire parcel to be developed for review and approval by the city attorney prior to the issuance of any land disturbance or building permit. During the development process, more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to:
  1. Any zoning conditions imposed on the property; and
  2. Terms and conditions associated with any special land use permit or any special administrative permit.
- B. *Maintenance and protection of land held in common.* Prior to the issuance of any land disturbance permit, every applicant for development within an RNC (Residential Neighborhood Conservation) District must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism may include deed restrictions, a homeowner association, common areas held in common ownership or control, or conservation easements held by a land trust meeting the requirements of state law, which assure in perpetuity each of the following mandatory requirements:
  1. That all land held in open space will remain undivided and shall not be subdivided or removed from joint access or benefit in perpetuity;
  2. That all subsequent property owners in the development will be placed on notice of this development restriction through the deed records filed with the Superior Court of DeKalb County;



3. That all land held as greenspace will be properly maintained and that no liability or maintenance responsibilities for the land held as greenspace shall accrue to the city;
  4. That a legal entity exists for notice of deficiencies in maintenance of the land held as greenspace, correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
  5. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the conservation district;
  6. That all requirements of the legal mechanism used to comply with the regulations of this section will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.
- C. *Homeowner associations.* When a homeowner association is used as the legal mechanism to comply with the requirements of this section, the applicant for any land disturbance permit, in addition to meeting all of said requirements, shall provide for all of the following:
1. Equal access and right of use to all greenspace by all homeowners;
  2. Mandatory and automatic membership in the homeowner association for all homeowners and their successors;
  3. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
  4. Homeowner association lien authority to ensure the collection of dues from all members;
  5. Perpetual and continued maintenance and liability by the homeowner association of land held as greenspace; and
  6. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.

(Ord. of 8-2-2017, § 1(2.10.10))

### **Sec. 2.10.11. Off-street parking requirements.**

Minimum off-street parking requirements for uses and structures authorized and permitted in the RNC (Residential Neighborhood Conservation) District are as follows:

- A. Detached single-family dwelling: Three spaces.
- B. Reserved.
- C. Personal care home, group: Four spaces.
- D. Child care institution, group: Four spaces.
- E. Reserved.
- F. Child daycare facility: Three spaces.
- G. Convent or monastery: One space for each 200 square feet of floor area within the principal structure.
- H. Neighborhood recreation club: One space for each five club members but in no case less than ten spaces.
- I. Place of worship: Where fixed seats are used, one space for each three seats in the largest assembly room used for public worship, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room used for public worship.

J. Private elementary, middle and high school:

1. Elementary and middle school: Two spaces for each classroom.
2. High school: Five spaces for each classroom.

K. Other uses: One space for each 200 square feet of floor area within the principal structure.

(Ord. of 8-2-2017, § 1(2.10.11); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.10.12. Relation of RNC (Residential Neighborhood Conservation) District regulations to subdivision or other regulations.**

Where there are conflicts between these RNC (Residential Neighborhood Conservation) District regulations and land subdivision requirements contained in chapter 14 or other regulations within the Code, these RNC (Residential Neighborhood Conservation) District regulations shall apply.

(Ord. of 8-2-2017, § 1(2.10.12))

## ***DIVISION 11. MEDIUM AND HIGH DENSITY RESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS***

### **Sec. 2.11.1. Medium and high density ranges.**

The medium and high density residential zoning districts that allow cottage housing, attached, multifamily and mixed residential developments are permitted at the densities illustrated in Table 2.3, below:

Table 2.3. Summary of Density Ranges for Medium and High Density Residential Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

(Ord. of 8-2-2017, § 1(2.11.1); Ord. No. 2021-06-03, § 1(Exh. A, § D), 8-23-2021)

### **Sec. 2.11.2. Dimensional requirements.**

Dimensional requirements, including overall site requirements, individual lot dimensions, setbacks, and heights for Medium and High Density Residential Zoning Districts, are provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements. In addition, compatibility and transitional buffers, as defined and required in article 5 of this chapter may apply.

Table 2.4. Medium and High Density Residential Zoning Districts Dimensional Requirements

**Medium and High Density Residential**

KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, MU: Mixed-Use, U-SF: Urban Single-Family

CA: Character Area as identified in the Comprehensive Plan

<i>Elements</i>	<i>RSM</i>	<i>MR-1</i>	<i>MR-2</i>	<i>HR-1</i>	<i>HR-2 and HR-3</i>
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Open space required (minimum percent)*	20 percent	20 percent	15 percent	15 percent	15 percent
Transitional buffers (feet)	See article 5 of this chapter				
<i>Lot Requirements (minimum, unless otherwise specified)</i>					
<i>Single-Family Detached Conventional (SFD)**</i>					
Lot area (square feet)	5,000/2,000 cottage	5,000/2,000 cottage	5,000/2,000 cottage	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 cottage and detached townhome	45/20 cottage and detached townhome	40/20 cottage and detached townhome	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50	60	65	Not permitted	Not permitted
<i>Single-Family Attached (SFA)</i>					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
<i>Urban Single-Family (detached)</i>					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
<i>Two- or Three-Family (TTF)</i>					
Lot area (square feet)	4,000	4,000	4,000	Not permitted	Not permitted
Lot width (feet)	60	55	50	Not permitted	Not permitted

Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	55 percent	55 percent	Not permitted	Not permitted
<i>Multifamily (MF) and Mixed-Use (MU)</i>					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum percent of total parcel acreage)	Not permitted	65 percent	75 percent	85 percent	85 percent
<i>Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site ****</i>					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20
Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5 of this chapter)			
Front with alley access (min. feet)	10	SFD and TTF: 10 SFA and MF: 5	SFD and TTF: 10 SFA and MF: 5	5	5
Side - interior lot (feet)****	SFD and TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF and MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				
Side - corner lot on public street (feet)	Same as front setback (see also article 5 of this chapter, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF and MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5 of this chapter)			
Rear with alley (feet)	10	10	10	10	10
<i>Unit Size, heated living area (square feet, minimum)</i>					
Single-Family Detached (SFD)-Conventional	1,200	1,200	1,000	Not permitted	Not permitted
Single-Family Detached (SFD)-Cottage	800	800	800	Not permitted	Not permitted
Single-Family Attached (SFA)***	1,200	1,200	1,000	1,000	Not permitted
Urban Single-Family (U-SF) Detached	1,100	1,100	1,100	1,100	Not permitted
Two- or Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted
Multifamily (MF)***	Not permitted for new developments	650	650	650	650

<i>Height (maximum and whichever is less when indicated as stories or feet)</i>					
Single-Family Detached (SFD)	35 feet	35 feet	35 feet	Not permitted	Not permitted
Except Res Infill Overlays = 28 feet					
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two- or Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multifamily (MF)***	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

\* Open space requirement shall apply to new subdivisions if project is > five acres or > 36 units (see chapter 14). See article 5 of this chapter for enhanced open space requirements.

\*\* Where two numbers are indicated, the first number is the standard and the second number applies only to housing type that is indicated, e.g., cottage or townhome.

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details; Urban-SF with zero-foot side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

(Ord. of 8-2-2017, § 1(2.11.2); Ord. No. 2021-06-03, § 1(Exh. A, § E), 8-23-2021)

## ***DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT***

### **Sec. 2.12.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the RSM (Small Lot Residential Mix) District is as follows:

- A. To provide for the creation of For Sale residential neighborhoods that allow a mix of single-family attached and detached housing options;
- B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;
- C. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.12.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.12.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.
    - a. Dwelling, cottage home; see section 4.2.
    - b. Dwelling, single-family (attached).
    - c. Dwelling, single-family (detached).
    - d. Dwelling, three-family.
    - e. Dwelling, townhouse; see section 4.2.
    - f. Dwelling, two family.
    - g. Dwelling, urban single-family; see section 4.2.
  3. Institutional/Public.
    - a. Golf course or clubhouse, public or private; see section 4.2.
    - b. Government facilities.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  4. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  5. Wireless Telecommunications.
    - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.

- a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Convents or monasteries; see section 4.2.
    - e. Personal care home, 6 or less; see section 4.2.
    - f. Personal care home, 7 or more; see section 4.2.
    - g. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Places of worship; see section 4.2.
    - c. Recreation club; see section 4.2.
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - e. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Child day care facility, up to 6; see section 4.2.
  - 4. Communication—Utility.
    - a. Amateur radio service or antenna; see section 4.2.
  - 5. Wireless Telecommunication.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.

- a. Fitness center.

(Ord. of 8-2-2017, § 1(2.12.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.12.3. Dimensional requirements.**

Dimensional requirements for the RSM (Small Lot Residential Mix) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.12.3))

### **Sec. 2.12.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.12.4))

### **Sec. 2.12.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.
- B. Density determination of each RSM (Small Lot Residential Mix) property:
  1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

Table 2.6. Residential Density Bonus Eligibility and Percent, with Example Calculation

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-

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	share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.12.7.)
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED and reg, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low income households, or 25 percent for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Enhanced open space comprises 35 percent or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

**Example Density Bonus:** (Dwelling Units per Acre (du/acre))

Character Area (example):

Neighborhood Center Character Area

Bonus types in example project:

Sustainability Elements and Amenity Proximity

Method:

Multiply the Base x % = additional units eligible

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:

Base density: 4

% Bonus = 50%

Base x 50% = 4 x 50% = 2

+ 2 bonus du/acre

Amenity Proximity Bonus:

Base density: 4

% Bonus = 20%

Base x 20% = 4 x 20% = 0.8

+ 0.8 bonus du/acre

Step 2: Add bonus density to Base density

4

+

(2 + .8)

Base

Cumulative Bonus

= 6.8 du/acre max density

Total project density allowed

(Ord. of 8-2-2017, § 1(2.12.5); Ord. No. 2021-06-03, § 1(Exh. A, § F), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### Sec. 2.12.6. Amenity proximity requirements.

For proposed development within one-quarter mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

(Ord. of 8-2-2017, § 1(2.12.6))

### Sec. 2.12.7. Bonus density qualifying standards.

The following standards shall be applied when considering whether bonus density may be allowed:

#### A. Qualifying public improvements.

1. *Bus shelter.* To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
2. *Park-n-ride and/or ride-share.* To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of 100 parking spaces, and park-n-ride amenities shall provide a minimum of 300 parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
3. *Public art.* To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off-site, and have a value of at least one-half of one percent of the total construction valuation of the building permit. The maximum required value shall not exceed \$250,000.00.
  - a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.

- b. For commissioned work, a deposit with the ~~planning department~~ **Planning and Zoning Division** of 115 percent of the value of the public art is required prior to the issuance of a building permit.
  - c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including, but not limited to, the following:
    - Paintings;
    - Sculptures;
    - Site specific installations;
    - Engravings;
    - Carvings;
    - Frescos;
    - Mobiles;
    - Murals;
    - Collages;
    - Mosaics;
    - Statutes; and
    - Bas-reliefs.
  - d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.
  - e. The following shall not be considered public art or public works of art:
    - Reproductions or unlimited copies of original art work;
    - Art objects which are mass produced;
    - Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
    - Architectural rehabilitation or historical preservation.
4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
- a. Parking decks not integrated into other buildings shall be located internal to the site.
  - b. Structures are either:
    - (i) At least two stories above ground or greater; and/or
    - (ii) Alternatively, at least one story is underground.
  - c. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary buildings.

5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter mile and shall connect to a greenway/trail or sidewalk network external to the site.
- B. *Qualifying amenity clarifications.*
  1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9 of this chapter, including pharmacies with diagnostic services.
  2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. of 8-2-2017, § 1(2.12.7))

### ***DIVISION 13. MR-1 (MEDIUM DENSITY RESIDENTIAL-1) DISTRICT***

#### **Sec. 2.13.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MR-1 (Medium Density Residential-1) District is as follows:

- A. To encourage primarily For Sale or For Rent residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.13.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 2.13.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.
    - a. Dwelling, cottage home; see section 4.2.
    - b. Dwelling, multifamily.
    - c. Dwelling, single-family (attached).
    - d. Dwelling, single-family (detached).
    - e. Dwelling, three-family.
    - f. Dwelling, townhouse; see section 4.2.

- g. Dwelling, two family.
- h. Dwelling, urban single-family; see section 4.2.
- i. Live/work unit; see section 4.2
- j. Nursing care facility or hospice.
- 3. Institutional/Public.
  - a. Government facilities.
  - b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.

- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Boarding/rooming house.
    - c. Fraternity house or sorority house.
    - d. Home occupation, with customer contact; see section 4.2.
    - e. Convents or monasteries; see section 4.2.
    - f. Personal care home, 6 or less; see section 4.2.
    - g. Personal care home, 7 or more; see section 4.2.
    - h. Senior housing; see section 4.2.
    - i. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - j. Short term vacation rental.
    - k. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.

- a. Art gallery.
- b. Banks, credit unions or other similar financial institutions.
- c. Barber shop/beauty salon or similar establishments.
- d. Building or construction office.
- e. Coin laundry.
- f. Dog grooming; see section 4.2.
- g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
- h. Fitness center.
- i. Office, medical.
- j. Office, professional.
- k. Personal services establishment.
- l. Restaurants (non drive-thru).
- m. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.13.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.13.3. Dimensional requirements.**

Dimensional requirements for the MR-1 (Medium Density Residential-1) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.13.3))

### **Sec. 2.13.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.13.4))

### **Sec. 2.13.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-1 District before application of any bonus is 8 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.
- B. Density determination of each MR-1 (Medium Density Residential-1) property:
  - 1. Existing MR-1 properties: For existing properties converted to MR-1 (Medium Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.

- b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.7, unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  - 2. New MR-1 properties: For property rezoned to the MR-1 (Medium Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-1 (Medium Density Residential-1) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.7.

(Ord. of 8-2-2017, § 1(2.13.5); Ord. No. 2021-06-03, § 1(Exh. A, § G), 8-23-2021)

## ***DIVISION 14. MR-2 (MEDIUM DENSITY RESIDENTIAL-2) DISTRICT***

### **Sec. 2.14.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MR-2 (Medium Density Residential-2) District is as follows:

- A. To encourage primarily For Sale or For Rent residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan;
- E. To provide districts that allow appropriate development transitions.

(Ord. of 8-2-2017, § 1(2.14.1); Ord. No. 2021-06-03, § 1(Exh. A, § H), 8-23-2021; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.14.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.



- b. Dwelling, cottage home; see section 4.2.
  - c. Dwelling, multifamily.
  - d. Dwelling, single-family (attached).
  - e. Dwelling, single-family (detached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Fraternity house or sorority house.
  - k. Live/work unit; see section 4.2.
  - l. Nursing care facility or hospice.
- 3. Institutional/Public.
    - a. Government facilities.
    - b. Library or museum.
    - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
    - d. School, public kindergarten, elementary, middle or high schools.
  - 4. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Child day care center, up to 6; see section 4.2.
    - c. Child day care facility, 7 or more; see section 4.2.
  - 5. Communications—Utility.
    - a. Essential services.
    - b. Satellite television antenna; see section 4.2.
  - 6. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility; see section 4.2.
    - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.

- c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales or events, seasonal; see section 4.2.
  - e. Temporary produce stand; see section 4.2.
  - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Convents or monasteries; see section 4.2.
    - d. Personal care home, 6 or less; see section 4.2.
    - e. Personal care home, 7 or more; see section 4.2.
    - f. Senior housing; see section 4.2.
    - g. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - h. Shelter for homeless persons 7—20; see section 4.2.
    - i. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.
    - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.

2. Institutional/Public.
  - a. Educational use, private; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
3. Commercial.
  - a. Art gallery.
  - b. Banks, credit unions or other similar financial institutions.
  - c. Barber shop/beauty salon or similar establishments.
  - d. Building or construction office.
  - e. Coin laundry.
  - f. Dog grooming; see section 4.2.
  - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - h. Fitness center.
  - i. Office, medical.
  - j. Office, professional.
  - k. Personal services establishment.
  - l. Restaurants (non drive-thru).
  - m. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.14.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.14.3. Dimensional requirements.**

Dimensional requirements for the MR-2 (Medium Density Residential-2) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.14.3))

### **Sec. 2.14.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.14.4))

### **Sec. 2.14.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-2 District before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.
- B. Density determination of each MR-2 (Medium Density Residential-2) property:

1. Existing MR-2 properties: For existing properties converted to MR-2 (Medium Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  2. New MR-2 properties: For property rezoned to the MR-2 (Medium Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-2 (Medium Density Residential-2) District zoned property may be increased above the Base Max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density of MR-2 (Medium Density Residential-2) zoned property exceed the bonus maximum established by Table 2.8.

(Ord. of 8-2-2017, § 1(2.14.5); Ord. No. 2021-06-03, § 1(Exh. A, § I), 8-23-2021)

### Sec. 2.14.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as established in Table 2.9.

Table 2.9. MR-2 Building Height

Density above 18 and up to 24 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	3 stories or 45 feet*	4 stories or 60 feet*
With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
Density up to 18 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	2 stories or 35 feet*	3 stories or 45 feet*
With Accessory Non-Res	3 stories or 45 feet*	4 stories or 60 feet*
* Whichever is less		

## DIVISION 15. HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT

### Sec. 2.15.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-1 (High Density Residential-1) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, low-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.15.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.15.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.
    - b. Dwelling, apartment.
    - c. Dwelling, cottage home; see section 4.2.
    - d. Dwelling, multifamily.
    - e. Dwelling, single-family (attached).
    - f. Dwelling, single-family (detached).
    - g. Dwelling, three-family.
    - h. Dwelling, townhouse; see section 4.2.
    - i. Dwelling, two family.
    - j. Dwelling, urban single-family; see section 4.2.
    - k. Fraternity house or sorority house.
    - l. Live/work unit; see section 4.2.
    - m. Micro Home Community.
  - 3. Institutional/Public.
    - a. Government facilities.

- b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.

- c. Personal care home, 6 or less; see section 4.2.
- d. Personal care home, 7 or more; see section 4.2.
- e. Senior housing; see section 4.2.
- f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- g. Shelter for homeless persons 7—20; see section 4.2.
- h. Traditional housing facilities, 7—20; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Cultural facilities.
  - c. Places of worship; see section 4.2.
  - d. Recreation club; see section 4.2.
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - f. School, vocational; see section 4.2.
  - g. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.

- k. Restaurants (non drive-thru).
- l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.15.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.15.3. Dimensional requirements.**

Dimensional requirements for the HR-1 (High Density Residential-1) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.15.3))

### **Sec. 2.15.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.15.4))

### **Sec. 2.15.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-1 District before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Density determination of each HR-1 (High Density Residential-1) property:
  - 1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.10, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-1 properties: For property rezoned to the HR-1 (High Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-1 (High Density Residential-1) District zoned property may be increased above the base max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.10.

(Ord. of 8-2-2017, § 1(2.15.5))



### Sec. 2.15.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as regulated by Table 2.11.

Table 2.11. HR-1 Building Height

Density above 24 and up to 40 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	4 stories or 60 feet*	6 stories or 75 feet*
With Accessory Non-Res	6 stories or 75 feet*	8 stories or 100 feet*
Density up to 24 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	3 stories or 45 feet*	4 stories or 60 feet*
With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
* Whichever is less.		

## DIVISION 16. HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT

### Sec. 2.16.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-2 (High Density Residential-2) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, mid-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.16.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### Sec. 2.16.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Boarding/rooming house.
  - b. Dwelling, apartment.
  - c. Dwelling, cottage home; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Micro Home Community.
3. Institutional/Public.
  - a. Government facilities.
  - b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.

- a. Urban, community garden, over 5 acres.
- 2. Residential.
  - a. Home occupation, no customer contact; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales or events, seasonal; see section 4.2.
  - e. Temporary produce stand; see section 4.2.
  - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.
    - c. Personal care home, 6 or less; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Shelter for homeless persons 7—20; see section 4.2.
    - h. Traditional housing facilities, 7—20; see section 4.2.
  - 2. Institutional/Public.
    - a. Cemetery, columbarium, mausoleum; see section 4.2.
    - b. Cultural facilities.
    - c. Places of worship; see section 4.2.
    - d. Recreation club; see section 4.2.
    - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
    - f. School, vocational; see section 4.2.
    - g. Swimming pools, commercial; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare facility, up to 6; see section 4.2.

- b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.
    - k. Restaurants (non drive-thru).
    - l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.16.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.16.3. Dimensional requirements.**

Dimensional requirements for the HR-2 (High Density Residential-2) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.16.3))

### **Sec. 2.16.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.16.4))

### Sec. 2.16.5. Density and location criteria.

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 60 dwelling units per acre.
- B. Density determination of each HR-2 (High Density Residential-2) property:
  1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-2 (High Density Residential-2) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.12.

(Ord. of 8-2-2017, § 1(2.16.5); Ord. No. 2021-06-03, § 1(Exh. A, § K), 8-23-2021)

### Sec. 2.16.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as established by Table 2.13.

Table 2.13. HR-2 Building Height

Density above 40 and up to 60 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	6 stories or 75 feet*	8 stories or 100 feet*
With Accessory Non-Res	8 stories or 100 feet*	10 stories
Density up to 40 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	4 stories or 60 feet*	6 stories or 75 feet*
With Accessory Non-Res	6 stories or 75 feet*	8 stories or 100 feet*
* Whichever is less		

## DIVISION 17. HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT

### **Sec. 2.17.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the HR-3 (High Density Residential-3) District regulations is as follows:

- A. To encourage primarily For Sale or For Rent residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.17.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.17.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Boarding/rooming house.
    - b. Dwelling, apartment.
    - c. Dwelling, cottage home; see section 4.2.
    - d. Dwelling, multifamily.
    - e. Dwelling, single-family (attached).
    - f. Dwelling, single-family (detached).
    - g. Dwelling, three-family.
    - h. Dwelling, townhouse; see section 4.2.
    - i. Dwelling, two family.
    - j. Dwelling, urban single-family; see section 4.2.
    - k. Fraternity house or sorority house.
    - l. Live/work unit; see section 4.2.
    - m. Micro Home Community.
  - 3. Institutional/Public.
    - a. Government facilities.

- b. Library or museum.
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - d. School, public kindergarten, elementary, middle or high schools.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Child day care center, up to 6; see section 4.2.
  - c. Child day care facility, 7 or more; see section 4.2.
  - d. Personal services establishment.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Home occupation, with customer contact; see section 4.2.

- c. Personal care home, 6 or less; see section 4.2.
- d. Personal care home, 7 or more; see section 4.2.
- e. Senior housing; see section 4.2.
- f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- g. Shelter for homeless persons 7—20; see section 4.2.
- h. Traditional housing facilities, 7—20; see section 4.2.
- 2. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Cultural facilities.
  - c. Places of worship; see section 4.2.
  - d. Recreation club; see section 4.2.
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - f. School, vocational; see section 4.2.
  - g. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
  - a. Adult daycare facility, up to 6; see section 4.2.
  - b. Dog day care; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Art gallery.
    - b. Banks, credit unions or other similar financial institutions.
    - c. Barber shop/beauty salon or similar establishments.
    - d. Building or construction office.
    - e. Coin laundry.
    - f. Dog grooming; see section 4.2.
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
    - h. Fitness center.
    - i. Office, medical.
    - j. Office, professional.



- k. Restaurants (non drive-thru).
- l. Retail, 5,000 sf or less (with the exception of small box discount stores).

(Ord. of 8-2-2017, § 1(2.17.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 2.17.3. Dimensional requirements.**

Dimensional requirements for the HR-3 (High Density Residential-3) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.17.3))

### **Sec. 2.17.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.17.4))

### **Sec. 2.17.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 60 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Density determination of each HR-3 (High Density Residential-3) property:
  - 1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High Density Residential-3) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

(Ord. of 8-2-2017, § 1(2.17.5); Ord. No. 2021-06-03, § 1(Exh. A, § L), 8-23-2021)

### Sec. 2.17.6. Building heights.

Maximum building heights shall meet character area intent by compliance with the transitional height and buffer standards of article 5 of this chapter as well as proportional relationship of density to height as regulated by Table 2.15.

Table 2.15. HR-3 Building Height for Density

Density above 60 and up to 120 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Multifamily	8 stories or 100 feet	No limit
With Accessory Non-Res	10 stories	No limit
Density up to 60 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved
Multifamily	6 stories or 75 feet*	8 stories or 100 feet*
With Accessory Non-Res	8 stories or 100 feet*	10 stories
* Whichever is less		

## DIVISION 18. MIXED-USE ZONING DISTRICTS

### Sec. 2.18.1. Statement of purpose and intent.

- A. The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:
1. To encourage the development of master or comprehensively planned, mixed-use developments;
  2. To permit flexible and compatible arrangements of residential, commercial, office, institutional, and civic uses;
  3. To offer a variety of housing options, including multifamily residential and single-family attached housing of various densities, upper-floor residential units over nonresidential space, or active adult and/or senior housing;
  4. To implement the future development map of the city's most current comprehensive plan;
  5. To maintain harmony of scale, intensity, and design of character areas with varying housing options;
  6. To accommodate and promote mixed-use buildings with amenities and services provided by a variety of nonresidential uses, as appropriate in the activity centers established by the comprehensive plan;
  7. To promote the health and well-being of residents through the development of living environments that accommodate pedestrians and bicyclists;
  8. To encourage a sense of community through design that promotes social interaction; and
  9. To reduce automobile traffic and congestion and promote the use of transit by encouraging appropriate development densities.

(Ord. of 8-2-2017, § 1(2.18.1))

### Sec. 2.18.2. Mixed-use district densities.

- A. Table 2.16, which summarizes the allowed densities and eligible character areas for mixed-use zoning districts, is provided for the aid of the reader. Any conflict between Table 2.16 and any other provision of this chapter shall be resolved in favor of the other provision of this chapter.

Table 2.16. Summary of Mixed-Use Zoning District Densities

Zoning District Name		Density (units/acre)
Mixed-Use Low Density	MU-1	4—8
Mixed-Use Low-Medium Density	MU-2	8—12
Mixed-Use Medium Density	MU-3	12—24
Mixed-Use High Density	MU-4	24—40
Mixed-Use Very High Density	MU-5	40—60

- B. Individual buildings in any mixed use district may exclusively consist of only residential uses, provided that they are part of a larger mixed-use development that meets the overall percentage mix of nonresidential to residential floor area established by Table 2.17.

(Ord. of 8-2-2017, § 1(2.18.2); Ord. No. 2021-06-03, § 1(Exh. A, § M), 8-23-2021)

### Sec. 2.18.3. Mixed-use dimensional requirements.

Dimensional requirements including overall site requirements, individual lot dimensions, setbacks, and heights for Mixed-Use Districts are provided in Table 2.17, Mixed-Use Zoning Districts Dimensional Requirements. Compatibility rules and transitional buffers, as defined and required in article 5 of this chapter may apply.

Table 2.17. Mixed-Use Zoning Districts Dimensional Requirements

Mixed-Use Districts				
<b>KEY:</b> Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office				
Element	MU-1	MU-2	MU-3	MU-4 and MU-5
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>				
Dwelling units per acre (with bonus)	4—8	8—12	12—24	MU-4=24—40; MU-5=40—60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)

Open space required (minimum percent)*	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage
Transitional buffers (feet)	See article 5 of this chapter			
Required minimum mix of uses				
Nonresidential (percentage square footage of building)	10 percent	15 percent	20 percent	20 percent
Residential (percentage square footage of building)	15 percent	10 percent	0	0
Individual Lot Dimensions by Residential Type (minimum, unless specified)				
Single-Family Detached (SFD)**				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
Single-Family Attached (SFA) and Urban Single-Family				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20
Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	75 percent	80 percent	90 percent
Two- or Three-Family (TTF)				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55
Lot coverage (maximum percent per lot or total parcel acreage)	55	55	75	75
Multifamily (MF) - See Building Type Standards in article 5 of this chapter				
Lot area (square feet)	12,500	12,500	12,500	12,500

Lot width (feet)	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
<i>Building Setbacks (minimum, unless specified)</i>				
<i>Single-Family Detached and Two-Family</i>				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
<i>Single-Family Attached and Urban Single-Family</i>				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
<i>Mixed-Use/Commercial/Multifamily***</i>				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present
Rear - w/alley (feet)	10	10	5	5

<i>Unit Size, heated living area (minimum, unless specified)</i>				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multifamily - one bedroom (square feet)	550	500	500	500
Multifamily - two bedroom (square feet)	700	650	650	650
Multifamily - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted
Live/Work (residential portion square feet)	400	400	400	400

\* See article 5 of this chapter for enhanced open space requirements.

\*\* SFD Cottage type exempt; see article 5 of this chapter for standards.

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details.

(Ord. of 8-2-2017, § 1(2.18.3); Ord. No. 2021-06-03, § 1(Exh. A, § N), 8-23-2021)

## ***DIVISION 19. MU-1 (MIXED-USE LOW DENSITY) DISTRICT***

### **Sec. 2.19.1. Dimensional requirements.**

Dimensional requirements for the MU-1 (Mixed-Use Low Density) District shall be as provided in Table 2.17, Mixed-Use Zoning Districts Dimensional Requirements. Dimensions are established in Table 2.17 for the overall development site (development parcel) and for individual lots intended for For Sale single-family detached or single-family attached housing types, when such lots include yards. A mixed-use development may be subject to

both the overall development site dimensions and the individual lot dimensions, depending on the mixture of housing types that are proposed for the overall development.

(Ord. of 8-2-2017, § 1(2.19.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.19.2. Site and building design standards.**

Site and building design standards and regulations shall be as provided in Table 2.17 and article 5 of this chapter, site and building design standards.

(Ord. of 8-2-2017, § 1(2.19.2))

### **Sec. 2.19.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Child day care center.
  - b. Dwelling, multifamily.
  - c. Dwelling, single-family (attached).
  - d. Dwelling, single-family (detached).
  - e. Dwelling, three-family.
  - f. Dwelling, townhouse; see section 4.2.
  - g. Dwelling, two family.
  - h. Dwelling, urban single-family; see section 4.2.
  - i. Live/work unit; see section 4.2.
  - j. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Library or museum.
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - g. Places of worship; see section 4.2.

- h. School, public kindergarten, elementary, middle or high schools.
  - i. School, specialty; see section 4.2.
  - j. School, vocational; see section 4.2.
4. Commercial.
- a. Adult daycare facility, up to 6; see section 4.2.
  - b. Animal hospitals, veterinary clinic; see section 4.2.
  - c. Art gallery.
  - d. Banks, credit unions or other similar financial institutions.
  - e. Barber shop/beauty salon or similar establishments.
  - f. Brewpub/beer growler.
  - g. Catering establishment.
  - h. Check cashing establishment, accessory; see section 4.2.
  - i. Child day care center (kindergarten), 7 or more.
  - j. Child day care facility, 7 or more; see section 4.2.
  - k. Clinic, health services.
  - l. Commercial greenhouse or plant nursery; see section 4.2.
  - m. Dog day care.
  - n. Dog grooming.
  - o. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - p. Farmer's market, permanent; see section 4.2.
  - q. Fitness center.
  - r. Kidney dialysis center.
  - s. Office, medical.
  - t. Office, professional.
  - u. Parking, commercial lot; see section 4.2.
  - v. Parking, commercial garage.
  - w. Personal services establishment.
  - x. Recreation, indoor.
  - y. Restaurants (non drive-thru).
  - z. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - aa. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - bb. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - cc. Shopping center.



- dd. Special events facility.
- ee. Taxi stand.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Short Term vacation rental.
  - 2. Institutional/Public.

- a. Cultural facilities.
- 3. Commercial.
  - a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Nightclub or late-night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.19.4. MU-1 (Mixed-Use Low Density) District rezoning submittal requirements.**

The following standards only apply to rezoning applications initiated by the owners of the subject property or the authorized agent of the owners. In the interest of economic development and to spur redevelopment, applications initiated by the city are not required to comply with the standards in this section.

Prior to the submittal of an application for a land disturbance permit or building permit, an applicant for development of a city-initiated MU-zoned property, shall comply with the following standards. The application will be reviewed administratively by the director.

- A. *Pre-application meeting.* Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the ~~director of planning~~ **Community Development Director or his/her designee** to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.
- B. *Submittal of master development plan.* The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and instruction form established by the planning ~~department~~ **and zoning division**. The master development plan shall include:
  - 1. *Pre-application meeting minutes.* Applicants shall provide documentation showing that the required pre-application meeting occurred.
  - 2. *Master development plan.* A master development plan shall illustrate the project showing the location of proposed uses identified by type, site functions, and internal vehicular and pedestrian circulation, along with proposed access points (note: prefer multi-modal access plan as specified in the overlays).
  - 3. *Master development standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall submit the following with the rezoning application:

- a. A set of tables, matrices, and/or diagrams shall document the proposed standards that will regulate the permitted use, density, lot dimensions, setbacks, site and building form for each area identified in the master concept plan, and indicate all instances where proposed standards vary from this division.
  - b. Documentation regarding eligibility for density bonuses sought by the applicant (see section 2.19.6).
  - c. A summary of the anticipated maintenance and ownership of streets and open spaces.
  - d. Proposed gross and net nonresidential floor area, maximum number of residential dwelling units by type and minimum lot size, and amount of enhanced open space.
4. *Master development plan architectural standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall include with the master development plan a set of binding and enforceable architectural standards that will be utilized by the developer to ensure aesthetic continuity throughout the life of the project.
- a. At a minimum, the architectural standards shall address lighting, signage, fences, landscaping, building materials, and other architectural features proposed to be included by the applicant.
  - b. A master sign plan may be proposed for approval at the time of rezoning with dimensions that vary from the sign ordinance, provided that the proposed plan demonstrates pedestrian-oriented scale.

(Ord. of 8-2-2017, § 1(2.19.4))

#### **Sec. 2.19.5. Mixed-use building restrictions.**

The following restrictions shall also apply to mixed-use buildings:

- A. All uses allowed in the MU-1 (Mixed-Use Low Density) District, as provided in Table 4.1, may occupy the ground level of a mixed-use building; however, any residential uses shall not occupy more than 50 percent of the floor area of the ground level. All levels above ground level shall only be occupied by residential, professional office or service uses.

(Ord. of 8-2-2017, § 1(2.19.5))

#### **Sec. 2.19.6. Density and location criteria (MU-1 District).**

- A. The maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.
- B. Density determination of each MU-1 (Mixed-Use Low Density) property:
  - 1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.
    - b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the Base Max described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

Table 2.19. Residential Density Bonus Eligibility and Percent, with Example Calculation

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of property boundary.
Nonresidential and Residential Mix of Uses	Total gross square footage of all buildings occupied by nonresidential uses is between 10 and 25 percent.
Amenity Proximity	Existing amenities such as health care facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers.
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED®, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low-income households, or 25 percent by senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Nonresidential and Residential Mix of Uses	Nonresidential uses occupy more than 25 percent of total gross square footage of all buildings.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Additional enhanced open space comprises 35 percent or more of the overall site development.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

<b>Example Density Bonus:</b> (Dwelling Units per Acre (du/acre))		
Character Area (example):	Neighborhood Center Character Area	
Bonus types in example project:	Sustainability Elements and Amenity Proximity	
Method:	Multiply the Base x % = additional units eligible	
Step 1: Calculate density gained by bonus type:		
	<u>Sustainability Element Bonus:</u>	<u>Amenity Proximity Bonus:</u>
	Base density: 4	Base density: 4
	% Bonus = 50%	% Bonus = 20%
	Base x 50% = 4 x 50% = 2	Base x 20% = 4 x 20%
	+ 2 bonus du/acre	+ .8 bonus du/acre
Step 2: Add bonus density to Base density		
	4 + (2 + .8)	= 6.8 du/acre max density
	Base Cumulative Bonus	Total project density allowed

(Ord. of 8-2-2017, § 1(2.19.6); Ord. No. 2021-06-03, § 1(Exh. A, § P), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.19.7. Reserved.**

(Ord. of 8-2-2017, § 1(2.19.7))

### **Sec. 2.19.8. MU-1 retail size restrictions.**

Standalone retail or other uses shall not exceed 40,000 square feet total floor area without a special land use permit, which may be issued based on the criteria provided in section 7.4.6.

(Ord. of 8-2-2017, § 1(2.19.8))

## ***DIVISION 20. MU-2 (MIXED-USE LOW-MEDIUM DENSITY) DISTRICT***

### **Sec. 2.20.1. District requirements, standards and criteria (MU-2 District).**

With the exception of the use list below, all provisions found in the MU-1 (Mixed Use Low Density) District, "For Sale" shall apply to the MU-2 (Mixed-Use Low Medium Density) District, except that the maximum allowed dwelling unit density before application of any bonus is 6 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

(Ord. of 8-2-2017, § 1(2.20.1); Ord. No. 2021-06-03, § 1(Exh. A, § Q), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.20.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Library or museum.
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - g. Places of worship; see section 4.2.
  - h. School, public kindergarten, elementary, middle or high schools.
  - i. School, specialty; see section 4.2.
  - j. School, vocational; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Animal hospitals, veterinary clinic; see section 4.2.
  - d. Art gallery.
  - e. Automobile or truck rental or leasing facilities; see section 4.2.
  - f. Banks, credit unions or other similar financial institutions.

- g. Barber shop/beauty salon or similar establishments.
- h. Brewpub/beer growler.
- i. Catering establishment.
- j. Check cashing establishment, accessory; see section 4.2.
- k. Child day care facility, up to 6; see section 4.2.
- l. Child day care center (kindergarten), 7 or more.
- m. Child day care facility, 7 or more; see section 4.2.
- n. Clinic, health services.
- o. Coin laundry.
- p. Dog day care.
- q. Dog grooming.
- r. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- s. Farmer's market, permanent; see section 4.2.
- t. Fitness center.
- u. Kidney dialysis center.
- v. Office, medical.
- w. Office, professional.
- x. Parking, commercial lot; see section 4.2.
- y. Parking, commercial garage.
- z. Personal services establishment.
- aa. Recreation, indoor.
- bb. Restaurants (accessory to hotel/motel).
- cc. Restaurants (non drive-thru).
- dd. Retail, 5,000 sf or less (with the exception of small box discount stores).
- ee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- ff. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
- gg. Shopping center.
- hh. Special events facility.
- ii. Taxi stand.
- 5. Industrial.
  - a. Contractor, general (see also building or construction office).
- 6. Communications—Utility.
  - a. Essential services.

- b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
    - f. Short Term vacation rental.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.



- a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
- 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Educational use, private; see section 4.2.
    - b. Swimming pools, commercial; see section 4.2.
    - c. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 21. MU-3 (MIXED-USE MEDIUM DENSITY) DISTRICT***

### **Sec. 2.21.1. District requirements, standards and criteria. (MU-3 District)**

With the exception of the use list below, all provisions found in the MU-2 (Mixed-Use Medium Density) District, "For Sale" shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.
- B. Section 2.19.8 regarding retail size restrictions shall not apply.
- C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

(Ord. of 8-2-2017, § 1(2.21.1); Ord. No. 2021-06-03, § 1(Exh. A, § R), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.21.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.

- a. Urban Community Garden, up to 5 acres; see section 4.2.
- 2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, single-family (detached).
  - g. Dwelling, three-family.
  - h. Dwelling, townhouse; see section 4.2.
  - i. Dwelling, two family.
  - j. Dwelling, urban single-family; see section 4.2.
  - k. Fraternity house or sorority house.
  - l. Live/work unit; see section 4.2.
  - m. Nursing care facility or hospice.
- 3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Funeral home, mortuary.
  - d. Government facilities.
  - e. Hospital or accessory ambulance service.
  - f. Library or museum.
  - g. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - h. Places of worship; see section 4.2.
  - i. School, public kindergarten, elementary, middle or high schools.
  - j. School, specialty; see section 4.2.
  - k. School, vocational; see section 4.2.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.

- g. Brewpub/beer growler.
  - h. Catering establishment.
  - i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.
  - n. Coin laundry.
  - o. Dog day care.
  - p. Dog grooming.
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Kidney dialysis center.
  - u. Office, medical.
  - v. Office, professional.
  - w. Parking, commercial lot; see section 4.2.
  - x. Parking, commercial garage.
  - y. Personal services establishment.
  - z. Recreation, indoor.
  - aa. Restaurants (accessory to hotel/motel).
  - bb. Restaurants (non drive-thru).
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - ff. Shopping center.
  - gg. Special events facility.
  - hh. Taxi stand.
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
- 5. Industrial.
    - a. Contractor, general (see also building or construction office).
  - 6. Communications—Utility.
    - a. Essential services.

- b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Medical or dental laboratories.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Coliseum or stadium, not associated with a church or school; see section 4.2.
    - b. Cultural facilities.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.

3. Commercial.
  - a. Alcohol outlet—package store, primary; see section 4.2.
  - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - c. Bus or rail stations or terminals for passengers.
  - d. Drive-through facilities; see section 4.2.
  - e. Heliport; see section 4.2.
  - f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  2. Institutional/Public.
    - a. Swimming pools, commercial; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 22. MU-4 (MIXED-USE HIGH DENSITY) DISTRICT***

### **Sec. 2.22.1. District requirements, standards and criteria (MU-4 District).**

With the exception of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District, "For Sale" shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

(Ord. of 8-2-2017, § 1(2.22.1); Ord. No. 2021-06-03, § 1(Exh. A, § S), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

### **Sec. 2.22.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.

2. Residential.
  - a. Bed and breakfast establishment; see section 4.2.
  - b. Child day care center.
  - c. Convents or monasteries; see section 4.2.
  - d. Dwelling, multifamily.
  - e. Dwelling, single-family (attached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Live/work unit; see section 4.2.
  - k. Nursing care facility or hospice.
3. Institutional/Public.
  - a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Hospital or accessory ambulance service.
  - g. Library or museum.
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - i. Places of worship; see section 4.2.
  - j. School, public kindergarten, elementary, middle or high schools.
  - k. School, specialty; see section 4.2.
  - l. School, vocational; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Catering establishment.

- i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.
  - n. Coin laundry.
  - o. Dog day care.
  - p. Dog grooming.
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Kidney dialysis center.
  - u. Office, medical.
  - v. Office, professional.
  - w. Parking, commercial lot; see section 4.2.
  - x. Parking, commercial garage.
  - y. Personal services establishment.
  - z. Recreation, indoor.
  - aa. Restaurants (accessory to hotel/motel).
  - bb. Restaurants (non drive-thru).
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - ff. Shopping center.
  - gg. Special events facility.
  - hh. Taxi stand.
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
- 5. Communications—Utility.
    - a. Essential services.
    - b. Radio or television broadcasting studio.
    - c. Satellite television antenna; see section 4.2.
  - 6. Wireless Telecommunications.
    - a. Attached wireless telecommunication facility; see section 4.2.

- b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.
    - a. Home occupation, no customer contact; see section 4.2.
    - b. Hotel/motel.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Medical or dental laboratories.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.
    - a. Alcohol outlet—package store, primary; see section 4.2.
    - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - c. Bus or rail stations or terminals for passengers.



- d. Drive-through facilities; see section 4.2.
- e. Heliport; see section 4.2.
- f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
    - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
  - 2. Institutional/Public.
    - a. Swimming pools, commercial; see section 4.2.
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.

(Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### ***DIVISION 23. MU-5 (MIXED-USE VERY HIGH DENSITY) DISTRICT***

#### **Sec 2.23.1. District requirements, standards and criteria (MU-5 District).**

With the exceptions of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District, "For Sale" shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:

- A. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Height restrictions apply to MU-5 in accordance with Tables 2.13 and 2.15, as applicable.

(Ord. of 8-2-2017, § 1(2.23.1); Ord. No. 2021-06-03, § 1(Exh. A, § T), 8-23-2021; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.23.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided in Table 4.1. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Child day care center.
    - c. Convents or monasteries; see section 4.2.
    - d. Dwelling, multifamily.

- e. Dwelling, single-family (attached).
  - f. Dwelling, three-family.
  - g. Dwelling, townhouse; see section 4.2.
  - h. Dwelling, two family.
  - i. Dwelling, urban single-family; see section 4.2.
  - j. Live/work unit; see section 4.2.
  - k. Nursing care facility or hospice.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Colleges, universities, research and training facilities.
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Hospital or accessory ambulance service.
  - g. Library or museum.
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - i. Places of worship; see section 4.2.
  - j. School, public kindergarten, elementary, middle or high schools.
  - k. School, specialty; see section 4.2.
  - l. School, vocational; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Art gallery.
  - d. Automobile or truck rental or leasing facilities; see section 4.2.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Catering establishment.
  - i. Check cashing establishment, accessory; see section 4.2.
  - j. Child day care facility, up to 6; see section 4.2.
  - k. Child day care center (kindergarten), 7 or more.
  - l. Child day care facility, 7 or more; see section 4.2.
  - m. Clinic, health services.

- n. Coin laundry.
  - o. Dog day care.
  - p. Dog grooming.
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Kidney dialysis center.
  - u. Office, medical.
  - v. Office, professional.
  - w. Parking, commercial lot; see section 4.2.
  - x. Parking, commercial garage.
  - y. Personal services establishment.
  - z. Recreation, indoor.
  - aa. Restaurants (accessory to hotel/motel).
  - bb. Restaurants (non drive-thru).
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
  - ff. Shopping center.
  - gg. Special events facility.
  - hh. Taxi stand.
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
5. Communications—Utility.
- a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Residential.

- a. Home occupation, no customer contact; see section 4.2.
  - b. Hotel/motel.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Medical or dental laboratories.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child care facility, 6 or more; see section 4.2.
    - c. Home occupation, with customer contact; see section 4.2.
    - d. Personal care home, 7 or more; see section 4.2.
    - e. Senior housing; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
    - b. Recreation club; see section 4.2.
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - 3. Commercial.
    - a. Alcohol outlet—package store, primary; see section 4.2.
    - b. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - c. Bus or rail stations or terminals for passengers.
    - d. Drive-through facilities; see section 4.2.
    - e. Heliport; see section 4.2.
    - f. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.

- 
- a. Accessory uses or structures.
  - b. Dormitory.
  - c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
2. Institutional/Public.
- a. Swimming pools, commercial; see section 4.2.
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
- (Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

## ***DIVISION 24. NONRESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS***

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**Sec. 2.24.1. Dimensional requirements.**

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Nonresidential Districts are provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements. Building setback, height and lot width may be tied to lot size compatibility, averaging as defined and required in article 5 of this chapter.

Table 2.24. Nonresidential Zoning Districts Dimensional Requirements

Nonresidential Districts								
KEY:								
Character Areas:								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>								
<i>Dimensional Requirements</i>								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. and uses req'g SLUP, 1 acre for all other uses
Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	80	TC/RC: 90 All other: 80	TC/RC: 90 All other: 80	80	80	80
<i>Open Space Requirements</i>								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum percent)	15	15	15	10	10	15	15	15
Sites with 40,000 sq. ft. gross floor area (minimum percent)	20	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4 of this chapter							
<i>Building Setback Requirements (minimum, unless otherwise specified)</i>								
Front thoroughfares and arterials (feet)	40	60*	30	60	60	75	60	60

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Front - all other streets (feet)	30	50*	20	50	50	75	60	60
Side - interior lot (feet)	20	20*	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50*	15	50	50	50	60	60
Rear (feet)	30	30*	20	30	30	30	30	30
<i>Unit Size (residential: heated living area)</i>								
Floor area of attached dwelling unit of Multifamily (min. sq. ft.)	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
<i>Height (maximum without a special land use permit (SLUP))**</i>								
Height (feet)	2 story/ 35 feet	5 story/ 70 feet	2 story/ 35 feet	2 story/ 35 feet	2 story/ 35 feet	2 story/ 35 feet	**	**
Transitional height plane (see article 5 of this chapter)	No	Yes	No	No	No	Yes	Yes	Yes

\* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50 percent.

\*\* Fire department and rescue services must approve over three stories to ensure adequacy of fire protection facilities.

\*\*\* Five-story/70 feet if in an activity node, two-story/35 feet outside an activity node, unless obtaining a SLUP for up to five-story/70 feet.

(Ord. of 8-2-2017, § 1(2.24.1); Ord. No. 2021-06-03, § 1(Exh. A, § V), 8-23-2021)



- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 2. - DISTRICT REGULATIONS  
**DIVISION** 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT

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## ***DIVISION 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT***

### **Sec. 2.25.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the NS (Neighborhood Shopping) District is as follows:

- A. To provide convenient neighborhood retail shopping and service areas within the city for all residents;
- B. To provide for the development of new Neighborhood Shopping Districts where so designated on the comprehensive plan;
- C. To ensure that the size and scale of neighborhood shopping centers and individual uses within said centers are compatible with the scale of adjoining neighborhoods;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.25.1); Ord. No. 2021-06-03, § 1(Exh. A, § W), 8-23-2021)

### **Sec. 2.25.2. Intensity limitations.**

In a building that contains more than one business establishment, no single business establishment shall occupy more than 15,000 square feet, whether owned or leased. No building occupied by a single business establishment shall exceed 50,000 square feet.

(Ord. of 8-2-2017, § 1(2.25.2))

### **Sec. 2.25.3. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Child care home, 5 or less; see section 4.2.
    - b. Child day care center.
  - 3. Institutional/Public.
    - a. Government facilities.
    - b. Library or museum.

- c. Places of worship; see section 4.2.
- d. School, vocational; see section 4.2.
- 4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Animal hospital, veterinary clinic; see section 4.2.
  - d. Art gallery.
  - e. Banks, credit unions or other similar financial institutions.
  - f. Barber shop/beauty salon or similar establishments.
  - g. Brewpub/beer growler.
  - h. Child day care facility, up to 6; see section 4.2.
  - i. Child day care center (kindergarten), 7 or more.
  - j. Clinic, health services.
  - k. Coin laundry.
  - l. Commercial greenhouse or plant nursery; see section 4.2.
  - m. Drive-through facilities; see section 4.2.
  - n. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - o. Farmer's market, permanent; see section 4.2.
  - p. Fitness center.
  - q. Office, medical.
  - r. Office, professional.
  - s. Personal services establishment.
  - t. Recreation, indoor.
  - u. Restaurants (non drive-thru).
  - v. Retail, 5,000 sf or less (with the exception of small box discount stores).
  - w. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
  - x. Shopping center.
  - y. Taxi stand.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.

- b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Institutional/Public.
    - a. School, vocational; see section 4.2.
  3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  1. Residential.
    - a. Child care facility, 6 or more; see section 4.2.
    - b. Personal care home, 6 or less; see section 4.2.
    - c. Personal care home, 7 or more; see section 4.2.
  2. Commercial.
    - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000sf; see section 4.2.
    - c. Automobile service stations; see section 4.2.
    - d. Fuel pumps; see section 4.2.
    - e. Liquor store (see alcohol outlet); see section 4.2.
    - f. Nightclub or late night establishment; see section 4.2.
  3. Wireless Telecommunications.
    - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Residential.
    - a. Accessory uses or structures.

2. Commercial.
  - a. Kennel, breeding.
3. Industrial.
  - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.25.3); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 2.25.4. Dimensional requirements.**

Dimensional requirements for the NS (Neighborhood Shopping) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.25.4))

#### **Sec. 2.25.5. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.25.5))

### ***DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT***

#### **Sec. 2.26.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the C-1 (Local Commercial) District is as follows:

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for quality control in development through materials and building placement;
- C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1); Ord. No. 2021-06-03, § 1(Exh. A, § X), 8-23-2021)

#### **Sec. 2.26.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted, but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  2. Residential.

- a. Bed and breakfast establishment; see section 4.2.
  - b. Child care facility, 6 or more.
  - c. Child care home, 5 or less; see section 4.2.
  - d. Child day care center.
  - e. Hotel/motel.
  - f. Live/work unit; see section 4.2.
  - g. Nursing care facility or hospice.
  - h. Personal care home, 6 or less; see section 4.2.
  - i. Personal care home, 7 or more; see section 4.2.
  - j. Shelter for homeless persons, 7—20; see section 4.2.
  - k. Transitional housing facilities, 7—20 persons; see section 4.2.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Coliseum or stadium/not associated with church or school; see section 4.2.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Government facilities.
  - f. Library or museum.
  - g. Places of worship; see section 4.2.
  - h. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - i. School, public kindergarten, elementary, middle or high schools.
  - j. School, specialty; see section 4.2.
  - k. School, vocational; see section 4.2.
  - l. Swimming pools, commercial; see section 4.2.
  - m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Ambulance service or emergency medical services, private.
  - d. Animal hospital, veterinary clinic; see section 4.2.
  - e. Art gallery.
  - f. Automobile brokerage; see section 4.2.
  - g. Automobile or truck rental or leasing facilities; see section 4.2.
  - h. Automobile or truck sales; see section 4.2.

- i. Automobile wash/was service; see section 4.2.
- j. Automobile repair, minor; see section 4.2.
- k. Banks, credit unions or other similar financial institutions.
- l. Barber shop/beauty salon or similar establishments.
- m. Brewpub/beer growler.
- n. Building or construction office; see section 4.2.
- o. Catering establishments.
- p. Check cashing establishment, accessory; see section 4.2.
- q. Child day care facility, up to 6; see section 4.2.
- r. Child day care center (kindergarten), 7 or more.
- s. Clinic, health services.
- t. Coin laundry.
- u. Commercial greenhouse or plant nursery; see section 4.2.
- v. Dog day care; see section 4.2.
- w. Dog grooming; see section 4.2.
- x. Drive-through facilities; see section 4.2.
- y. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- z. Farmer's market, permanent; see section 4.2.
- aa. Fitness center.
- bb. Kennel, commercial.
- cc. Kidney dialysis center.
- dd. Medical or dental laboratories.
- ee. Landscape business.
- ff. Mini-warehouse; see section 4.2.
- gg. Office, medical.
- hh. Office, professional.
- ii. Parking, commercial lot; see section 4.2.
- jj. Parking, commercial garage.
- kk. Personal services establishment.
- ll. Recreation, indoor.
- mm. Recreational vehicle, boat and trailer sales and service.
- nn. Restaurants (accessory to hotel/motel).
- oo. Restaurants (non drive-thru).
- pp. Retail, 5,000 sf or less (with the exception of small box discount stores).

- qq. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ss. Shopping center.
- tt. Special events facility.
- uu. Taxi stand.
- vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building.
- ww. Trade shops.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Institutional/Public.
    - a. School, vocational; see section 4.2.
  - 3. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 4. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. New support structure from 50 feet up to 199 feet; see section 4.2.
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.

- a. Hotel/motel, extended stay; see section 4.2.
  - b. Shelter for homeless persons for no more than 6 persons; see section 4.2.
- 2. Institutional/Public.
  - a. Cultural facilities.
- 3. Commercial.
  - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf; see section 4.2.
  - c. Alcohol outlet—package store, primary; see section 4.2.
  - d. Automobile service stations; see section 4.2.
  - e. Bus or rail stations or terminals for passengers.
  - f. Crematoriums; see section 4.2.
  - g. Fuel pumps; see section 4.2.
  - h. Heliport; see section 4.2.
  - i. Liquor store (see alcohol outlet); see section 4.2.
  - j. Nightclub or late night establishment; see section 4.2.
  - k. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
    - b. Kennel, breeding.
  - 3. Industrial.
    - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.26.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.26.3. Dimensional requirements.**

Dimensional requirements for the C-1 (Local Commercial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.26.3))



#### **Sec. 2.26.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.26.4))

### ***DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT***

#### **Sec. 2.27.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the C-2 (General Commercial) District is as follows:

- A. To provide convenient general business and commercial service areas within the city for all residents;
- B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;
- C. To provide for auto-oriented needs outside of the applicable-character areas, but to focus on the pedestrian oriented development which in these districts;
- D. To provide for quality control in development through materials and building placement;
- E. To ensure that the uses authorized within the C-2 (General Commercial) District are those uses which are designed to serve the general business and commercial service needs of the city;
- F. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.27.1); Ord. No. 2021-06-03, § 1(Exh. A, § Y), 8-23-2021)

#### **Sec. 2.27.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment; see section 4.2.
    - b. Child care facility, 6 or more.
    - c. Child care home, 5 or less; see section 4.2.
    - d. Child day care center.
    - e. Hotel/motel.
    - f. Live/work unit; see section 4.2.
    - g. Nursing care facility or hospice.

- h. Personal care home, 6 or less; see section 4.2.
  - i. Personal care home, 7 or more; see section 4.2.
  - j. Shelter for homeless persons, no more than 6 persons; see section 4.2.
  - k. Transitional housing facilities, 7—20 persons; see section 4.2.
3. Institutional/Public.
- a. Club, order or lodge, fraternal, non-commercial.
  - b. Coliseum or stadium/not associated with church or school; see section 4.2.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Library or museum.
  - h. Places of worship; see section 4.2.
  - i. Recreation, outdoor; see section 4.2.
  - j. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - k. School, public kindergarten, elementary, middle or high schools.
  - l. School, specialty; see section 4.2.
  - m. School, vocational; see section 4.2.
  - n. Swimming pools, commercial; see section 4.2.
  - o. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Ambulance service or emergency medical services, private.
  - d. Animal hospital, veterinary clinic; see section 4.2.
  - e. Animal shelter/rescue center; see section 4.2.
  - f. Art gallery.
  - g. Automobile brokerage; see section 4.2.
  - h. Automobile or truck rental or leasing facilities; see section 4.2.
  - i. Automobile or truck sales; see section 4.2.
  - j. Automobile upholstery shop.
  - k. Automobile wash/was service; see section 4.2.
  - l. Automobile repair, major; see section 4.2.
  - m. Automobile repair, minor; see section 4.2.

- n. Banks, credit unions or other similar financial institutions.
- o. Barber shop/beauty salon or similar establishments.
- p. Brewpub/beer growler.
- q. Building or construction office; see section 4.2.
- r. Catering establishments.
- s. Check cashing establishment, accessory; see section 4.2.
- t. Check cashing establishment, primary; see section 4.2.
- u. Child day care facility, up to 6; see section 4.2.
- v. Child day care center (kindergarten), 7 or more.
- w. Clinic, health services.
- x. Coin laundry.
- y. Commercial greenhouse or plant nursery; see section 4.2.
- z. Contractor office, heavy construction; see section 4.2.
- aa. Contractor office, landscape; see section 4.2.
- bb. Dog day care; see section 4.2.
- cc. Dog grooming; see section 4.2.
- dd. Drive-in theater; see section 4.2.
- ee. Drive-through facilities; see section 4.2.
- ff. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
- gg. Fairground or amusement park; see section 4.2.
- hh. Farmer's market, permanent; see section 4.2.
- ii. Fitness center.
- jj. Fuel dealers or wholesalers.
- kk. Kennel, breeding.
- ll. Kennel, commercial.
- mm. Kidney dialysis center.
- nn. Medical or dental laboratories.
- oo. Landscape business.
- pp. Mini-warehouse; see section 4.2.
- qq. Office, medical.
- rr. Office, professional.
- ss. Outdoor storage, commercial; see section 4.2.
- tt. Parking, commercial lot; see section 4.2.
- uu. Parking, commercial garage.

- vv. Pawn shop, title loan; see section 4.2.
- ww. Personal services establishment.
- xx. Printing or publishing establishments.
- yy. Recreation, indoor.
- zz. Recreation, outdoor; see section 4.2.
- aaa. Recreational vehicle, boat and trailer sales and service.
- bbb. Restaurants (accessory to hotel/motel).
- ccc. Restaurants (non drive-thru).
- ddd. Retail, 5,000 sf or less (with the exception of small box discount stores).
- eee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- fff. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ggg. Shopping center.
- hhh. Special events facility.
- iii. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- jjj. Taxi stand.
- kkk. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building.
- III. Trade shops.
- 5. Industrial.
  - a. Building materials or lumber supply establishment.
  - b. Contractor, general.
  - c. Contractor heavy construction, outside storage.
  - d. Contractor, special trade.
  - e. Heavy equipment repair service or trade.
- 6. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.

- a. Urban, community garden, over 5 acres.
- 2. Institutional/Public.
  - a. School, vocational; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Hotel/motel, extended stay; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
  - 3. Commercial.
    - a. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
    - b. Alcohol outlet—beer and wine, accessory to retail less than 12,000sf; see section 4.2.
    - c. Alcohol outlet—package store, primary; see section 4.2.
    - d. Automobile service stations; see section 4.2.
    - e. Bus or rail stations or terminals for passengers.
    - f. Crematoriums; see section 4.2.
    - g. Fuel pumps; see section 4.2.
    - h. Heliport; see section 4.2.
    - i. Liquor store (see alcohol outlet); see section 4.2.
    - j. Nightclub or late night establishment; see section 4.2.
    - k. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:

1. Residential.
  - a. Accessory uses or structures.
  - b. Dormitory.
2. Commercial.
  - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
  - b. Service area, outdoor; see section 4.2.
3. Industrial.
  - a. Recycling collection.

(Ord. of 8-2-2017, § 1(2.27.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.27.3. Dimensional requirements.**

Dimensional requirements for the C-2 (General Commercial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.27.3))

### **Sec. 2.27.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.27.4))

## ***DIVISION 28. OD (OFFICE-DISTRIBUTION) DISTRICT***

### **Sec. 2.28.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OD (Office-Distribution) District is as follows:

- A. To provide convenient areas within the city for the development of office and distribution establishments which are necessary for the residents and business practitioners within the city; and
- B. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.28.1))

### **Sec. 2.28.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there exist supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Hotel/motel.
3. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Coliseum or stadium/not associated with church or school; see section 4.2.
  - d. Colleges, universities, research and training facilities.
  - e. Educational use, private; see section 4.2.
  - f. Golf course or clubhouse, public or private; see section 4.2.
  - g. Government facilities.
  - h. Library or museum.
  - i. Places of worship; see section 4.2.
  - j. Recreation club; see section 4.2.
  - k. Recreation, outdoor; see section 4.2.
  - l. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - m. School, public kindergarten, elementary, middle or high schools.
  - n. School, specialty; see section 4.2.
  - o. School, vocational; see section 4.2.
  - p. Swimming pools, commercial; see section 4.2.
  - q. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
  - a. Adult daycare center, 7 or more; see section 4.2.
  - b. Adult daycare facility, up to 6; see section 4.2.
  - c. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
  - d. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf; see section 4.2.
  - e. Alcohol outlet—package store, primary; see section 4.2.
  - f. Animal hospital, veterinary clinic; see section 4.2.
  - g. Animal shelter/rescue center; see section 4.2.
  - h. Art gallery.
  - i. Barber shop/beauty salon or similar establishments.
  - j. Building or construction office; see section 4.2.
  - k. Child day care facility, up to 6; see section 4.2.

- l. Child day care center (kindergarten), 7 or more.
- m. Clinic, health services.
- n. Contractor office, heavy construction; see section 4.2.
- o. Contractor office, landscape; see section 4.2.
- p. Drive-through facilities; see section 4.2.
- q. Farmer's market, permanent; see section 4.2.
- r. Liquor store (see alcohol outlet); see section 4.2.
- s. Mini-warehouse; see section 4.2.
- t. Office, medical.
- u. Office, professional.
- v. Parking, commercial lot; see section 4.2.
- w. Parking, commercial garage.
- x. Pawn shop, title loan; see section 4.2.
- y. Recreation, indoor.
- z. Recreation, outdoor; see section 4.2.
- aa. Restaurants (accessory to hotel/motel).
- bb. Retail, 5,000 sf or less (with the exception of small box discount stores).
- cc. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center).
- dd. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- ee. Shopping center.
- ff. Special events facility.
- gg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- hh. Taxi stand.
- ii. Trade shops.
- 5. Industrial.
  - a. Warehousing or storage.
- 6. Communications—Utility.
  - a. Essential services.
- 7. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.



- a. Urban, community garden, over 5 acres.
- 2. Institutional/Public.
  - a. School, vocational; see section 4.2.
- 3. Commercial.
  - a. Farmer's market, temporary/seasonal; see section 4.2.
  - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
  - c. Temporary outdoor retail sales; see section 4.2.
  - d. Temporary outdoor sales; seasonal; see section 4.2.
  - e. Temporary outdoor sales or events, seasonal; see section 4.2.
  - f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 4. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. Cultural facilities.
  - 2. Commercial.
    - a. Alternative energy production.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
    - d. Nightclub or late night establishment; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.

(Ord. of 8-2-2017, § 1(2.28.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

**Sec. 2.28.3. Dimensional requirements.**

Dimensional requirements for the OD (Office-Distribution) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.28.3))

**Sec. 2.28.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.28.4))

***DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT*****Sec. 2.29.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OI (Office-Institutional) District is as follows:

- A. To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the city;
- B. To provide accessory commercial and residential uses to reduce auto dependence;
- C. To provide locations for the development of cultural, recreational, educational and health service facilities for the city;
- D. To promote compatible development, in size and scale, to surrounding development;
- E. To promote campus style developments;
- F. To promote pedestrian oriented compact design;
- G. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.29.1))

**Sec. 2.29.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Residential.
    - a. Bed and breakfast establishment.
    - b. Child care home, 5 or less; see section 4.2.

- c. Child care facility, 6 or more; see section 4.2.
  - d. Child day care center.
  - e. Convents or monasteries; see section 4.2.
  - f. Dwelling, multifamily.
  - g. Hotel/motel.
  - h. Live/work unit.
  - i. Nursing care facility or hospice.
  - j. Personal care home, 6 or less; see section 4.2.
  - k. Personal care home, 7 or more; see section 4.2.
3. Institutional/Public.
- a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Hospital or accessory ambulance service.
  - h. Library or museum.
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - j. Places of worship; see section 4.2.
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - l. School, public kindergarten, elementary, middle or high schools.
  - m. School, specialty; see section 4.2.
  - n. School, vocational; see section 4.2.
  - o. Swimming pools, commercial; see section 4.2.
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Automobile or truck rental or leasing facilities; see section 4.2.
  - c. Banks, credit unions or other similar financial institutions.
  - d. Building or construction office; see section 4.2.
  - e. Catering establishments.
  - f. Child day care facility, up to 6; see section 4.2.
  - g. Child day care center (kindergarten), 7 or more.

- h. Clinic, health services.
  - i. Drive-through facilities; see section 4.2.
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - k. Farmer's market, permanent; see section 4.2.
  - l. Fitness center.
  - m. Kidney dialysis center.
  - n. Medical or dental laboratories.
  - o. Office, medical.
  - p. Office, professional.
  - q. Printing or publishing establishments.
  - r. Restaurants (accessory to hotel/motel).
  - s. Restaurant with a drive-thru configuration.
  - t. Special events facility.
  - u. Taxi stand.
  - v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
  - w. Trade shops.
5. Communications—Utility.
- a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
- 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.

- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 3. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. New support structure from 50 feet up to 199 feet; see section 4.2
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Residential.
    - a. Dwelling, apartment.
    - b. Fraternity or sorority house.
    - c. Hotel/motel, extended stay.
    - d. Senior housing; see section 4.2.
    - e. Shelter for homeless persons, 7—20; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Transitional housing facilities, 7—20 persons; see section 4.2.
  - 2. Institutional/Public.
    - a. Cultural facilities.
  - 3. Commercial.
    - a. Barber shop/beauty salon or similar establishment.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
  - 4. Industrial.
    - a. Crematoriums; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Residential.
    - a. Accessory uses or structures.
    - b. Dormitory.
  - 2. Commercial.
    - a. Barber shop/beauty salon or similar establishments.
    - b. Liquor store (see alcohol outlet); see section 4.2.
    - c. Nightclub or late night establishments; see section 4.2.
    - d. Parking, commercial garage.
    - e. Parking, commercial lot; see section 4.2.
    - f. Personal services establishment.

- g. Restaurants (non drive-thru).
- h. Retail 5,000 sf or less (with the exception of small box discount stores).
- 3. Industrial.
  - a. Recycling collection.
- 4. Communication—Utility.
  - a. Radio or television broadcasting transmission facility.

(Ord. of 8-2-2017, § 1(2.29.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.29.3. Dimensional requirements.**

Dimensional requirements for the OI (Office-Institutional) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.29.3))

### **Sec. 2.29.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.29.4))

## ***DIVISION 30. OIT (OFFICE-INSTITUTIONAL-TRANSITIONAL) DISTRICT***

### **Sec. 2.30.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the OIT (Office-Institutional-Transitional) District is as follows:

- A. To provide areas within the city for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;
- B. To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;
- C. To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan in the applicable character areas.

(Ord. of 8-2-2017, § 1(2.30.1); Ord. No. 2021-06-03, § 1(Exh. A, § Z), 8-23-2021)

### Sec. 2.30.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

A. Permitted Uses. The following uses are permitted as of right under this Code:

1. Agricultural Activities.
  - a. Urban Community Garden, up to 5 acres; see section 4.2.
2. Residential.
  - a. Bed and breakfast establishment.
  - b. Child care home, 5 or less; see section 4.2.
  - c. Child care facility, 6 or more; see section 4.2.
  - d. Child day care center.
  - e. Convents or monasteries; see section 4.2.
  - f. Dwelling, multifamily.
  - g. Hotel/motel.
  - h. Live/work unit.
  - i. Nursing care facility or hospice.
  - j. Personal care home, 6 or less; see section 4.2.
  - k. Personal care home, 7 or more; see section 4.2.
3. Institutional/Public.
  - a. Cemetery, columbarium, mausoleum; see section 4.2.
  - b. Club, order or lodge, fraternal, non-commercial.
  - c. Colleges, universities, research and training facilities.
  - d. Funeral home, mortuary.
  - e. Golf course or clubhouse, public or private; see section 4.2.
  - f. Government facilities.
  - g. Hospital or accessory ambulance service.
  - h. Library or museum.
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
  - j. Places of worship; see section 4.2.
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2.
  - l. School, public kindergarten, elementary, middle or high schools.
  - m. School, specialty; see section 4.2.
  - n. School, vocational; see section 4.2.

- o. Swimming pools, commercial; see section 4.2.
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
4. Commercial.
- a. Adult daycare center, 7 or more; see section 4.2.
  - b. Automobile or truck rental or leasing facilities; see section 4.2.
  - c. Banks, credit unions or other similar financial institutions.
  - d. Building or construction office; see section 4.2.
  - e. Catering establishments.
  - f. Child day care facility, up to 6; see section 4.2.
  - g. Child day care center (kindergarten), 7 or more.
  - h. Clinic, health services.
  - i. Drive-through facilities; see section 4.2.
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations.
  - k. Farmer's market, permanent; see section 4.2.
  - l. Fitness center.
  - m. Kidney dialysis center.
  - n. Medical or dental laboratories.
  - o. Office, medical.
  - p. Office, professional.
  - q. Printing or publishing establishments.
  - r. Restaurants (accessory to hotel/motel).
  - s. Restaurant with a drive-thru configuration.
  - t. Special events facility.
  - u. Taxi stand.
  - v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building.
  - w. Trade shops.
5. Communications—Utility.
- a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Satellite television antenna; see section 4.2.
6. Wireless Telecommunications.
- a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.



- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Temporary outdoor retail sales; see section 4.2.
    - c. Temporary outdoor sales; seasonal; see section 4.2.
    - d. Temporary outdoor sales or events, seasonal; see section 4.2.
    - e. Temporary produce stand; see section 4.2.
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  3. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
1. Residential.
    - a. Dwelling, apartment.
    - b. Fraternity or sorority house.
    - c. Hotel/motel, extended stay.
    - d. Senior housing; see section 4.2.
    - e. Shelter for homeless persons, 7—20; see section 4.2.
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2.
    - g. Transitional housing facilities, 7—20 persons; see section 4.2.
  2. Institutional/Public.
    - a. Cultural facilities.
  3. Commercial.
    - a. Barber shop/beauty salon or similar establishment.
    - b. Fuel pumps; see section 4.2.
    - c. Heliport; see section 4.2.
  4. Industrial.
    - a. Crematoriums; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
1. Residential.

- a. Accessory uses or structures.
- b. Dormitory.
- 2. Commercial.
  - a. Barber shop/beauty salon or similar establishments.
  - b. Liquor store (see alcohol outlet); see section 4.2.
  - c. Nightclub or late night establishments; see section 4.2.
  - d. Parking, commercial garage.
  - e. Parking, commercial lot; see section 4.2.
  - f. Personal services establishment.
  - g. Restaurants (non drive-thru).
  - h. Retail 5,000 sf or less (with the exception of small box discount stores).
- 3. Industrial.
  - a. Recycling collection.
- 4. Communication—Utility.
  - a. Radio or television broadcasting transmission facility.

(Ord. of 8-2-2017, § 1(2.30.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 2.30.3. Dimensional requirements.**

Dimensional requirements for the OIT (Office-Institutional-Transitional) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.30.3))

### **Sec. 2.30.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.30.4))

## ***DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT***

### **Sec. 2.31.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the M (Light Industrial) District is as follows:

- A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;

- B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;
- C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
- E. To generate employment opportunities and economic development;
- F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;
- G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;
- H. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.31.1))

### **Sec. 2.31.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
  - 1. Agricultural Activities.
    - a. Dairy.
    - b. Keeping of livestock.
    - c. Keeping of poultry/pigeons.
    - d. Sawmill; temporary or portable.
    - e. Urban Community Garden, up to 5 acres; see section 4.2.
  - 2. Institutional/Public.
    - a. Colleges, universities, research and training facilities.
    - b. Golf course or clubhouse, public or private; see section 4.2.
    - c. Government facilities.
    - d. Hospital or accessory ambulance service.
    - e. Places of worship; see section 4.2
    - f. Swimming pools, commercial; see section 4.2.
    - g. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
  - 3. Commercial.
    - a. Adult daycare center, 7 or more; see section 4.2.
    - b. Alcohol outlet—package store, primary; see section 4.2.

- c. Alcohol outlet—beer and/or wine store, beer growler, primary; see section 4.2.
- d. Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3(F)); see section 4.2.
- e. Ambulance service or emergency medical services, private.
- f. Animal hospital, veterinary clinic; see section 4.2.
- g. Animal shelter/rescue center; see section 4.2.
- h. Automobile brokerage; see section 4.2.
- i. Automobile recovery and storage.
- j. Automobile service station; see section 4.2.
- k. Automobile or truck rental or leasing facilities; see section 4.2.
- l. Automobile or truck sales; see section 4.2.
- m. Automobile upholstery shop.
- n. Automobile wash/was service; see section 4.2.
- o. Automobile repair, major; see section 4.2.
- p. Automobile repair, minor; see section 4.2.
- q. Banks, credit unions or other similar financial institutions.
- r. Barber shop/beauty salon or similar establishments.
- s. Brewery, craft (micro-brewery).
- t. Brewpub/beer growler.
- u. Building or construction office; see section 4.2.
- v. Catering establishments.
- w. Check cashing establishment, accessory; see section 4.2.
- x. Check cashing establishment, primary; see section 4.2.
- y. Child day care center (kindergarten), 7 or more.
- z. Clinic, health services.
- aa. Club, order or lodge, fraternal, non-commercial.
- bb. Commercial greenhouse or plant nursery; see section 4.2.
- cc. Contractor office, landscape; see section 4.2.
- dd. Distillery (micro-distillery).
- ee. Dog day care; see section 4.2.
- ff. Dog grooming; see section 4.2.
- gg. Drive-in theater; see section 4.2.
- hh. Drive-through facilities; see section 4.2.
- ii. Dry cleaning agencies, pressing establishments or laundry pick-up stations.

- jj. Fairground or amusement park; see section 4.2.
- kk. Farmer's market, permanent; see section 4.2.
- ll. Fitness center.
- mm. Fuel dealers or wholesalers.
- nn. Heliport; see section 4.2.
- oo. Kennel, breeding.
- pp. Kennel, commercial.
- qq. Kidney dialysis center.
- rr. Medical or dental laboratories.
- ss. Landscape business.
- tt. Liquor store (see alcohol outlet); see section 4.2.
- uu. Mini-warehouse; see section 4.2.
- vv. Outdoor storage, commercial; see section 4.2.
- ww. Parking, commercial lot; see section 4.2.
- xx. Parking, commercial garage.
- yy. Pawn shop, title loan; see section 4.2.
- zz. Personal services establishment.
- aaa. Printing or publishing establishments.
- bbb. Recreational vehicle, boat and trailers sales and service.
- ccc. Restaurants (non drive-thru).
- ddd. Retail, 5,000 sf or less (with the exception of small box discount stores).
- eee. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage.
- fff. Special events facility.
- ggg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- hhh. Taxi stand.
- iii. Trade shops.
- 4. Industrial.
  - a. Alternative energy production.
  - b. Building materials or lumber supply establishment.
  - c. Contractor, general.
  - d. Contractor heavy construction, outside storage.
  - e. Contractor, special trade.
  - f. Crematorium; see section 4.2.
  - g. Fabricated metal manufacture without EPD permit required (Light manufacturing).

- h. General aviation airport; see section 4.2.
- i. Heavy equipment repair service or trade.
- j. Industrial, light.
- k. Manufacturing, light.
- l. Outdoor storage, industrial; see section 4.2.
- m. Railroad car classification yards or team truck yards; see section 4.2.
- n. Recovered materials facility wholly within a building; see section 4.2.
- o. Recovered materials processing wholly within a building.
- p. Recycling collection.
- q. Recycling plant.
- r. Research and testing facilities.
- s. Towing or wreckage service.
- t. Transportation equipment storage or maintenance (vehicle); see section 4.2.
- u. Truck stop.
- v. Truck terminal.
- w. Vehicle storage yard.
- x. Warehousing or storage.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.

- f. Temporary produce stand; see section 4.2.
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
- 3. Wireless Telecommunications.
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
  - b. New support structure from 50 feet up to 199 feet; see section 4.2.
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. Cultural facilities.
    - b. School, specialty; see section 4.2.
    - c. School, vocational; see section 4.2.
  - 2. Commercial.
    - a. Bus or rail stations or terminals for passengers.
    - b. Fuel pumps; see section 4.2.
    - c. Nightclub or late night establishment; see section 4.2.
    - d. Recreation, outdoor; see section 4.2.
    - e. Restaurants with a drive-thru configuration; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  - 1. Commercial.
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2.
    - b. Service area, outdoor; see section 4.2.
  - 2. Industrial.
    - a. Incidental retail sales of goods produced or processed on the premises.

(Ord. of 8-2-2017, § 1(2.31.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.31.3. Dimensional requirements.**

Dimensional requirements for the M (Light Industrial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.31.3))

### **Sec. 2.31.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.31.4))

### **Sec. 2.31.5. Multifamily use provisions for industrial conversion.**

- A. The conversion of industrial buildings to residential use shall be permitted by a special land use permit. The following shall be considered:
1. Whether the building is located on the interior or periphery of an established industrial park or area;
  2. Whether the building or area should no longer be used for industrial uses;
  3. Adequate parking is provided in accordance with article 6 of this chapter, for multifamily or live- work.

(Ord. of 8-2-2017, § 1(2.31.5))

## ***DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT***

### **Sec. 2.32.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the M-2 (Heavy Industrial) District is as follows:

- A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;
- B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;
- C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;
- D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M-2 (Heavy Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;
- F. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.32.1))

### **Sec. 2.32.2. Permitted and special land uses.**

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply and must be complied with.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
1. Agricultural Activities.
    - a. Dairy.
    - b. Livestock sales pavilion; see section 4.2.

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- c. Sawmill; temporary or portable.
- d. Urban Community Garden, up to 5 acres; see section 4.2.
- 2. Institutional/Public.
  - a. Government facilities.
  - b. Places of worship; see section 4.2.
- 3. Commercial.
  - a. Animal hospital, veterinary clinic; see section 4.2.
  - b. Animal shelter/rescue center; see section 4.2.
  - c. Automobile brokerage; see section 4.2.
  - d. Automobile recovery and storage.
  - e. Automobile service station; see section 4.2.
  - f. Automobile or truck sales; see section 4.2.
  - g. Automobile upholstery shop.
  - h. Automobile repair, major; see section 4.2.
  - i. Automobile repair, minor; see section 4.2.
  - j. Building or construction office; see section 4.2.
  - k. Check cashing establishment, accessory; see section 4.2.
  - l. Contractor office, landscape; see section 4.2.
  - m. Dog day care; see section 4.2.
  - n. Dog grooming; see section 4.2.
  - o. Drive-in theater; see section 4.2.
  - p. Dry cleaning agencies, pressing establishments or laundry pick-up stations.
  - q. Fairground or amusement park; see section 4.2.
  - r. Farmer's market, permanent; see section 4.2.
  - s. Fitness center.
  - t. Fuel dealers or wholesalers.
  - u. Heliport; see section 4.2.
  - v. Kennel, breeding.
  - w. Kennel, commercial.
  - x. Medical or dental laboratories.
  - y. Landscape business.
  - z. Mini-warehouse; see section 4.2.
  - aa. Outdoor storage, commercial; see section 4.2.
  - bb. Printing or publishing establishments.

- cc. Retail, 5,000 sf or less (with the exception of small box discount stores).
- dd. Service area, outdoor; see section 4.2.
- ee. Sexually oriented businesses; see section 4.2.
- ff. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2.
- gg. Taxi stand.
- hh. Trade shops.
- 4. Industrial.
  - a. Alternative energy production.
  - b. Brewery, Large scale.
  - c. Contractor, general.
  - d. Contractor heavy construction, outside storage.
  - e. Contractor, special trade.
  - f. Crematorium; see section 4.2.
  - g. Distillery, Large scale.
  - h. Fabricated metal manufacturing without EPD Permit Required (Light Manufacturing).
  - i. General aviation airport; see section 4.2.
  - j. Heavy equipment repair service or trade.
  - k. Industrial, heavy.
  - l. Industrial, light.
  - m. Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal.
  - n. Manufacturing, heavy; see section 4.2.
  - o. Manufacturing, light.
  - p. Manufacturing operations not housed within a building; see section 4.2.
  - q. Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits; see section 4.2.
  - r. Outdoor storage, industrial; see section 4.2.
  - s. Railroad car classification yards or team truck yards; see section 4.2.
  - t. Recovered materials facility wholly within a building; see section 4.2.
  - u. Recovered materials processing wholly within a building.
  - v. Recycling collection.
  - w. Recycling plant.
  - x. Research and testing facilities.
  - y. Salvage yard (junkyard); see section 4.2.
  - z. Storage yard, except vehicle; see section 4.2.
  - aa. Storage yard for vehicles; see section 4.2.

- bb. Towing or wreckage service; see section 4.2.
- cc. Transportation equipment storage or maintenance (vehicle); see section 4.2.
- dd. Truck stop.
- ee. Truck terminal.
- ff. Vehicle storage yard.
- gg. Warehousing or storage.
- 5. Communications—Utility.
  - a. Essential services.
  - b. Radio or television broadcasting studio.
  - c. Radio or television or broadcasting transmission facility.
  - d. Satellite television antenna; see section 4.2.
- 6. Wireless Telecommunications.
  - a. Attached wireless telecommunication facility; see section 4.2.
  - b. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
  - 1. Agricultural.
    - a. Urban, community garden, over 5 acres.
  - 2. Commercial.
    - a. Farmer's market, temporary/seasonal; see section 4.2.
    - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
    - c. Temporary outdoor retail sales; see section 4.2.
    - d. Temporary outdoor sales; seasonal; see section 4.2.
    - e. Temporary outdoor sales or events, seasonal; see section 4.2.
    - f. Temporary produce stand; see section 4.2.
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2.
  - 3. Wireless Telecommunications.
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public.
    - a. School, specialty; see section 4.2.
    - b. School, vocational; see section 4.2.

2. Commercial.
  - a. Bus or rail stations or terminals for passengers.
  - b. Fuel pumps; see section 4.2.
  - c. Nightclub or late night establishment; see section 4.2.
3. Industrial.
  - a. Fabricated metal manufacturing with EPD Permit Required (Heavy Manufacturing).
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
  1. Industrial.
    - a. Incidental retail sales of goods produced or processed on the premises.

(Ord. of 8-2-2017, § 1(2.32.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

### **Sec. 2.32.3. Dimensional requirements.**

Dimensional requirements for the M-2 (Heavy Industrial) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.32.3))

### **Sec. 2.32.4. Site and building design standards.**

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.32.4))

### **Sec. 2.32.5. Reserved.**

Ord. No. 2022-06-01, § 2(Exh. A), adopted August 2, 2022, repealed § 2.32.5, which pertained to solid waste facility/landfill use provisions and derived from Ord. of August 2, 2017, § 1(2.32.5).

## **ARTICLE 3. OVERLAY DISTRICT REGULATIONS**

### ***DIVISION 1. OVERLAY DISTRICTS***

#### **Sec. 3.1.1. Overlay districts generally.**

Overlay districts are supplemental to the zoning district classifications established in article 2 of this chapter. This section shall supersede the applicability statements in each overlay district except as provided in subsection (F) of this section, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.

- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.
- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1); Ord. No. 2021-06-06, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.2. Purpose and intent.**

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.

(Ord. of 8-2-2017, § 1(3.1.2))

### **Sec. 3.1.3. Plan submittal, review and approval.**

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.

- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the ~~director of planning~~ **Community Development Director or his/her designee** a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The plans must clearly state the governing district requirements by which the plans will be reviewed. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.
- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance for the governing district requested by the applicant. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
1. Where the ~~director of planning~~ **Community Development Director or his/her designee** determines that said plans comply with the requirements of the overlay district, the director ~~of planning~~ shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
  2. Where the director ~~of planning~~ determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director ~~of planning~~ shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director ~~of planning~~ within 30 days of receipt of a complete application.
  3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.4. Conceptual plan package review.**

- A. The conceptual plan package shall include the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;
  2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;

3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the ~~director of planning~~ **Community Development Director or his/her designee**. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
  - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
  - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
  - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
  - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
  - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
  - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;
  - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
  - h. Delineation of all existing structures and whether they will be retained or demolished;
  - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
  - j. Height and setback of all existing and proposed buildings and structures;
  - k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
  - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;

- m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
  - n. Development density and lot sizes for each type of use;
  - o. Areas to be held in joint ownership, common ownership or control;
  - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
  - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
  - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;
  - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
  - t. Seal and signature of the professional preparing the plan.
5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the ~~director of planning.~~ **Community Development Director or his/her designee.** If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.
  6. Lighting plan. See article 5 of this chapter.
  7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)

### **Sec. 3.1.5. Final design package.**

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color .pdf copies, for review and approval. The final design package must contain a statement of which governing district standards are being applied, full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

(Ord. of 8-2-2017, § 1(3.1.5); Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022)



### Sec. 3.1.6. Overlay use table.

Table 3.1 indicates the permitted uses within the overlay 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 this article.

- A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay 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 zoning permit procedures specified in article 7 of this chapter;
  - 4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 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 3.1, below, or interpreted to be allowed by the ~~director of planning~~ **Community Development Director or his/her designee** 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 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative zoning permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If blank, check use table for underlying zoning (Sec. 4.1.3)*  * 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"											
AGRICULTURAL ACTIVITIES											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P	P	P							✓
Sawmill, Temporary or portable			P								✓
Urban, community garden, up to 5 ac.	P		P	P						P	✓
Urban, community garden, over 5 ac.	P	P	P	P						P	
Animal Oriented Agriculture											
Dairy			P								✓
Keeping of livestock			P								✓
Keeping of poultry/pigeons			P								✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, apartment	SP	SP		SP							
Dwelling, cottage home	P	P									✓
Dwelling, mobile home			P								✓
Dwelling, multi-family	P	P	P		X		P	P	P		
Dwelling, multi-family (supportive living)	P	P	P		X						✓
Dwelling, townhouse	P	P	P								✓
Dwelling, urban single-family	P	P	Pa								✓
Dwelling, single-family (attached)	P	P	P				P	P	P		
Dwelling, single-family (detached)	P	P	P		P						
Dwelling, three-family	P	P	P								
Dwelling, two-family	P	P	P								
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P	P	P							✓
Micro Home Community (MHC)	X					X	X	X	X	X	✓
Mobile home park											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
Housing and Lodging											
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	X	P	P	P		✓
Motel	X	X	X	X	X	X	P	P	P		✓
Short term vacation rental											
Nursing care facility or hospice	P	P	P	P							
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						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7—20	SP	SP	SP	P						X	✓
INSTITUTIONAL/PUBLIC											
Community Facilities											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural facilities	SP	SP	SP	SP	P		P	P	P		
Recreation club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
Education											
Colleges, universities, research and training facilities	P	P	P	P							
Educational use, private	P	P									✓
School, Private kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Public kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Vocational	P	P	P	P			P	P	P		✓
School, Specialized	P	P	P	P			P	P	P		✓
COMMERCIAL											
Automobile, boat and trailer sales and service											

Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Automobile recovery and storage										X	
Auto mobile emission testing facility	X	X	X	X							
Automobile repair, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓
Recreational vehicle boat and trailer sales and service	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Office											
Building or construction office	P	P	P	P			P	P	P		✓
Office, Heavy Construction contractor	P	P	P	P							✓
Office, Landscape Contractor	P	P	P	P							✓
Office, Professional	P	P	P	P	P		P	P	P		
Recreation and Entertainment											
Sexually oriented business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activitie	P	P	P	P	X		X	X	X		✓
Recreation, [Indoor]	P	P	P	P			P	P	P		
Recreation Outdoor	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet—package store,primary	P	P		SP		X				X	✓
Alcohol outlet—beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Fuel pumps	X	X	X	X	X					X	✓
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	

Retail, 5,000 sf or less (with the exception of small box discount stores)	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center, with the exception of small box discount stores)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Trade shops	P	P	P	P	P						
Winery/vineyard										P	
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor sales or events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
Restaurant/Food Establishments											
Brewpub/Beer growler	P	P	P	P							
Catering establishments	P	P	P	P							
Food trucks, mobile vending/Food carts											✓
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
Services											
Adult day care center—3 or more	P	P	P	P	P						✓
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Check cashing establishment, primary	X	X	X	X		X				X	✓
Check cashing establishment, accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten)—7 or more	P	P	P	P			P	P	P		✓
Child day care facility—up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments, or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		

Landscape business	P	P	P	P							
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
Services, Medical and Health											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Kidney dialysis center	P	P	P	P							
Services, Repair											
Service area, outdoor	Pa	Pa	Pa	Pa							✓
INDUSTRIAL											
Alternative energy production	SP	SP	SP								
Building materials or lumber supply establishment	P	P	P	P							
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Dry cleaning plant											
General aviation airport											✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Incidental retail sales of goods produced or processed on the premises			Pa								
Industrial, heavy											
Industrial, light											
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Manufacturing, light											
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Railroad car classification yards or team truck yards											✓
Recovered materials facility wholly within a building											✓
Recovered materials processing wholly within a building											✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant											
Research and training facilities											
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Self-storage (mini or multi)	X	X	X	X	X	X				X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓
Storage yard, except vehicle											
Storage yard vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service											
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop										X	

Truck Terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P								X	
COMMUNICATION—UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

(Ord. No. 2021-06-06, § 1(Exh. A), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

- CODE OF ORDINANCES  
 Chapter 27 - ZONING ORDINANCE  
 ARTICLE 3. - OVERLAY DISTRICT REGULATIONS  
 DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

## *DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT*

### **Sec. 3.4.1. Title.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.2. Purpose and intent.**

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.3. District boundaries.**

The boundaries of the AMCOD shall be depicted on the official zoning maps entitled "Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District" (the "AMCOD overlay maps"). The



Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.4. Applicability of regulations.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **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.
  - 6. Wineries/Vineyards and associated uses (with a Special Land Use Permit).
- B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:
  - 1. Sexually-oriented businesses.
  - 2. Drive-in Theater.
  - 3. Fairground or Amusement Park.
  - 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
  - 5. Coliseum or stadium, except for outdoor Concert Halls.
  - 6. Nightclub or late night establishment.
  - 7. Outdoor storage, mini-warehouses, and storage buildings.
  - 8. Pawn shops.
  - 9. Mortuary or Crematorium.
  - 10. Alcohol Outlets.

11. Salvage yards and junk yards.
12. Motel or Extended Stay Motel.
13. Shelter for homeless persons.
14. Transitional housing facility.
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, boat and trailer sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.
28. Micro Home Community.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

#### **Sec. 3.4.6. Accessory uses and accessory structures.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.7. Lot coverage.**

Except as provided in Sub-Section 3.4.9.A., Conservation communities, lot coverage within the AMCOD shall not exceed 25 percent of net lot area. Net lot area refers to the total area intended to be subdivided as shown on a city approved site plan submitted for a land disturbance permit or preliminary plat, exclusive of the area intended to be dedicated for street or utility rights of way or easements, see definition of net lot area (lot area, net) in Article 9, Definitions.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### Sec. 3.4.8. Clearing and grading of lots.

No individual lot as shown on a city approved site plan submitted for a land disturbance permit or preliminary subdivision plat shall be cleared and graded to an extent exceeding 35 percent of the net lot area before subdivision. This does not apply to individual single-family lots as shown on a city approved final subdivision plat, see Sub-Section. 3.4.9.A, Conservation communities.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

### Sec. 3.4.9. Development standards.

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



#### A. Conservation Communities (residential subdivisions).

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

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

The minimum acreage for development is ten (10) acres.

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

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

**Minimum side-yard setback:** Ten (10) feet

*Maximum single-family dwelling lot coverage: 50%*

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

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

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

1. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
2. Dedication of legally described and platted "greenspace" to a land trust.

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

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

*Preliminary Plat Approval*

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

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

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

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

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

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### Sec. 3.4.9.1.a Design standards.

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

1. *Pedestrian Amenities.* All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. *"Build-to" line (i.e. "Building façade line").* The building shall be setback five feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. *Building height.* All new buildings shall be no more than two stories, maximum height 35 feet.
4. *Façade articulation.* Street-facing building façades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
  - a. Major Articulations shall occur at least every 60 feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
  - b. Minor Articulations shall occur approximately every 30 feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. *Entrances.* All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than 60 feet of frontage along sidewalks shall provide one pedestrian entrance for every 60 linear feet of frontage or fraction thereof.

6. *Parking:* Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.

*Cross Access:* In order [to] reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.

7. *Storefront canopies* at least five feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than 12 inches in height and is subject to all other applicable sign requirements of this document.
8. *Building Finish Materials.* Each street-facing building façade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to: wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

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

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

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

- (9) *Lighting.* Building façades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
- (10) *Utility service lines.* Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.
- (11) *Building Numbering.* Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be six inches in height.
- (12) *Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features* shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

### Sec. 3.4.9.2 Height limitation.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### Sec. 3.4.10. Tree removal and replacement.

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2023-06-01, § 1(Exh. A), 6-28-2023)

### Sec. 3.4.11. Protection of steep slopes.

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### Sec. 3.4.12. Driveways.

The ~~director of planning~~ **Community Development Director or his/her designee** is authorized to approve shared driveways for two or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### Sec. 3.4.13. Recording of conservation easements.

The ~~director of planning~~ **Community Development Director or his/her designee** shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural Conservation Overlay District which are made in favor of City of Stonecrest, Georgia.

(Ord. No. 2019-02-001, § 1, 2-11-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

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

The ~~director of planning~~ **Community Development Director or his/her designee** shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.15. Lighting.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.16. Density bonus.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.17. Approval of plats where density bonus permitted.**

The ~~director of planning~~ **Community Development Director or his/her designee** is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the ~~director of planning~~ **Community Development Director or his/her designee**.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.18. AMCOD advisory committee.**

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria



contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.19. Residential properties which are not subject to sections 3.4.7 and 3.4.8.**

Section 3.4.7 (lot coverage) and Section 3.4.8 (clearing and grading of lots) shall not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half acre.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

## ***DIVISION 5. STONECREST AREA OVERLAY DISTRICT***

### **Sec. 3.5.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.1); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.2. Applicability of regulations.**

This division applies to each application for a permit for the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Stonecrest Area Overlay District. When the Stonecrest Area Overlay District and the underlying zoning conflict, the Stonecrest Area Overlay District regulations control absent explicit language to the contrary.

(Ord. of 8-2-2017, § 1(3.5.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.3. Statement of purpose and intent.**

The purpose and intent of the city council in establishing the Stonecrest Area Compatible Use Zone Overlay District is as follows:

- A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;
- B. To enhance the long term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;
- C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;

- D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;
- E. To provide a balanced distribution of regional and community commercial and mixed- use office centers;
- F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;
- G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;
- H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;
- I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;
- L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;
- M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
- N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.3); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

#### **Sec. 3.5.4. District boundaries.**

- A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III, IV, V, and VI described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Stonecrest Area Overlay District shall be divided into five [six] development tiers as follows:
  - 1. Tier I: High-Rise Mixed-Use Zone;
  - 2. Tier II: Mid-Rise Mixed-Use Zone;
  - 3. Tier III: Low-Rise Mixed-Use Zone;
  - 4. Tier IV: Transitional Mixed-Use Zone;
  - 5. Tier V: Cluster/Village Mixed-Use Zone ; and

## 6. Tier VI: Viewshed Zone

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

(Ord. of 8-2-2017, § 1(3.5.4); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.5. Open space.

- A. *Open space:* Each lot may provide open space. Open space must be a minimum of 20 percent of the lot. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
- B. *Maintenance and protection of public space.* Each applicant that chooses to provide for public space shall present as a part of the application for a building permit within the Stonecrest Area Overlay District a legal mechanism under which all land to be used for public space purposes shall be protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
  - 1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  - 2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  - 3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
  - 4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;
    - c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    - d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.5.5); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.6. Greenspace requirements.

- A. *Landscape strips.* Landscape strips not less than five feet in width must be provided along all side and rear property lines and on all public streets. The landscape strip along the public street must be a minimum of ten feet in width and must be planted with a row of street trees of at least three and one-half inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover must also be provided in accordance with the design guidelines for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover must consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. Newly planted trees must conform to the design guidelines for the Stonecrest Area Overlay District.
- D. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Greenspace requirements for parking lots:*
  - 1. Greenspace areas are required in all parking lots and must comprise at least five percent of the total lot area of parking lot.
  - 2. In addition, all parking lots must include at least one tree for every 12 parking spaces provided. Tree planting areas may be included in the required greenspace area. Every three inches in caliper, as measured at a height of 36 inches above the ground level, of an existing tree shall count as one newly planted tree.
  - 3. Greenspace areas must be at least 36 square feet in area.
  - 4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
  - 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

(Ord. of 8-2-2017, § 1(3.5.6); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.7. Transitional buffer zone requirements.

Any lot within the Stonecrest Area Overlay District, that is contiguous to any lot outside of the Stonecrest Area Overlay District zoned for a residential use, must maintain a 50 foot transitional buffer zone. The transitional buffer zone cannot contain any structures, impervious surfaces, or water retention ponds and cannot be used for permanent parking, loading, or storage. Trees may not be removed from the transitional buffer zone, other than dead, decayed, dying, or hazardous trees. Additional trees and plant material may be added to the transitional buffer zone.

(Ord. of 8-2-2017, § 1(3.5.7); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.8. Street standards.

Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets must comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:

- A. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at 11 feet in width, measured inside curb and gutter.
- B. Private or public alleys are permitted to provide secondary or service access within developments consisting of at least four buildings. An alley must provide a continuous connection between two streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
  - 1. No alley shall be longer than 400 feet;
  - 2. No alley shall have a slope greater than seven percent;
  - 3. The paved width of an alley must be at least 12 feet;
  - 4. Alleys must be constructed with flush curbs;
  - 5. Alleys must have seven-foot-wide unobstructed shoulders constructed of grass sod or gravel on both sides; and
  - 6. Buildings must be set back at least ten feet from the back curb of an alley.

(Ord. of 8-2-2017, § 1(3.5.8); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.9. Underground utilities.

All utilities except for major electric transmission lines and substations are required to be placed underground except where the ~~director of planning~~ **Community Development Director or his/her designee** determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.5.9); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.10. Streetlights.

When necessary for the use and convenience of the occupants or users of a development, streetlights are required and shall conform to the design guidelines for the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.10); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.11. Interparcel access.

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single family or duplex residential units.

(Ord. of 8-2-2017, § 1(3.5.11); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.12. Multi-modal access plans required.

Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan prepared at a scale not greater than one-inch equals 100 feet. The multi-modal access plan must cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths must be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways must be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan must show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet of the subject property, the access plan must show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.5.12); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

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

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.

B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Kennels.
2. Tire retreading and recapping.
3. Sexually oriented businesses.
4. Micro Home Community.
5. Outdoor amusement services facilities.
6. Outdoor storage.
7. Farm equipment and supplies sales establishment.
8. Repair, small household appliance.
9. Hotel/motel.
10. Automobile sales.
11. Flea Markets
12. Automobile title loan establishments.
13. Pawn shops.

14. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building
  15. Salvage yards.
  16. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - b. All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - c. Storage units may not be used for commercial, residential or industrial uses.
  17. Gasoline service stations.
  18. Automobile repair and maintenance, major.
  19. Automobile and truck rental and leasing.
  20. Commercial parking lots.
  21. Automobile wash/wax service.
  22. Check cashing facility.
  23. Automobile emission testing facilities.
  24. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Open space, clubhouse or pool amenity area.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.
- F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to exceed a total FAR of six (6.00).

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

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

- H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.
- I. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.

(Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

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

- A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Storage yards.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor storage.
  6. Farm equipment and supplies sales establishment.
  7. Repair, small household appliance.



8. Hotel/motel.
  9. Automobile sales.
  10. Flea Markets
  11. Automobile title loan establishments.
  12. Pawn shops.
  13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building.
  14. Salvage yards.
  15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:
    - No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
    - All buildings must contain fenestration or architectural treatments that appear like fenestration;
    - Storage units may not be used for commercial, residential or industrial uses.
  16. Automobile repair and maintenance, major and minor.
  17. Gasoline service stations.
  18. Automobile and truck rental and leasing.
  19. Commercial parking lots.
  20. Automobile wash/wax service.
  21. Late-night establishments
  22. Nightclubs.
  23. Check cashing facility.
  24. Automobile emission testing facilities.
  25. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Open space, clubhouse or pool amenity area.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.

- F. *Density*: No development in Tier II may exceed a FAR of two and one half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density*: In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

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

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

- H. *Required parking*. Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one and one-quarter spaces per dwelling unit.
- I. *[Parking.]* Parking space area requirements must comply with the provisions of Section 6.1.3.
- J. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.  
(Ord. of 8-2-2017, § 1(3.5.14); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019)

### **Sec. 3.5.15. Low-rise mixed-use zone (Tier III).**

- A. *Permitted uses and structures*. The principal uses of land and structures allowed in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial) District, and MR-2 (Medium Density Residential) District except those listed in B., below.
- B. *Prohibited uses*. The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Junkyard.

3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor amusement service facility.
  6. Outdoor storage.
  7. Automobile repair, major and minor.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs.
  14. Late-night establishments.
  15. Car wash.
  16. Self-storage.
  17. Funeral home.
  18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Repair, small household appliance.
  22. Salvage yard.
  23. Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.
  24. Commercial parking lot.
  25. Check cashing facility.
  26. Automobile emission testing facilities.
  27. Small box discount stores.
- C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Clubhouses, including meeting rooms or recreation rooms.
  4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- D. *Building setbacks.* The following building setback requirements shall apply to all structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1. Minimum front yard setback: 15 feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of 25 feet from rights-of-way.
  2. Minimum interior side yard: Ten feet. There shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between any two buildings and structures when one of them is greater than two stories in height.
  3. Minimum rear yard: Ten feet.
- E. *Height of buildings and structures.* Maximum height, three stories
- F. *Density:* No development in Tier III may exceed 30 dwelling units per acre and a combined FAR of one and a half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three.

**Table 3.3 Bonus FAR: Tier III**

<b>Additional Amenity</b>	<b>Increased FAR</b>
Increase public space to 25 percent while providing connectivity	0.5
Increase public space to 30 percent while providing connectivity	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use may constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking is intended to serve. The minimum number of required parking spaces must be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one-half spaces per dwelling unit.
- I. *Parking space area requirements.* Parking space area requirements must comply with the provisions of section 6.1.3.
- J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.
- K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in Tier III of the Stonecrest Overlay District only if they comply with the following requirements:
- New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three acres, and must contain at least 6,000 square feet of building floor space.

New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security fencing abutting such public right-of-way. Within three years of planting, the vegetative screening must be of sufficient height to screen all guard rails or security fencing abutting the public right-of-way. Planting materials shall be subject to the approval of the City of Stonecrest Arborist.

New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.

No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

(Ord. of 8-2-2017, § 1(3.5.15); Ord. No. 2018-12-01, § 1(3.5.15), 12-1-2018; Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § I, 11-25-2019)

### **Sec. 3.5.15.1. Transitional mixed use zone (Tier IV).**

- A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. This tier provides an economic balance to the other Stonecrest Area Compatible Use Overlay District development categories which focus more on retail uses.
- B. *Mixed use requirements.* All properties in Tier IV which are proposed for new development shall comply with the minimum requirements of this mixed use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier IV shall contain a minimum of two principal uses and any residential use shall not exceed 70 percent of the total floor area. The mixed use development may be combined vertically or horizontally in one or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.
- C. *Permitted principal uses and structures.* The principal uses of land and structures which are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
  1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, OCR (Office-Commercial-Residential) District, and RM-HD (High Density Residential) District except those listed in B., below.
 

Single-family attached detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier IV: Transitional Mixed-Use Zone:
  1. Kennels.
  2. Tire retreading and recapping.
  3. Sexually oriented businesses.
  4. Outdoor amusement services facilities.
  5. Outdoor storage.

6. Farm equipment and supplies sales establishments.
  7. Repair, small household appliance.
  8. Hotel/motels.
  9. Automobile title loan establishments.
  10. Pawn shops.
  11. Liquor stores.
  12. Salvage yards.
  13. Automobile repair and maintenance, major.
  14. Automobile wash/wax service.
  15. Nightclubs.
  16. Late-night establishments.
  17. Check cashing facility.
  18. Automobile emission testing facilities.
  19. Car wash, self-service.
  20. Self-storage.
  21. Funeral home.
  22. Crematorium.
  23. Mortuary.
  24. Small box discount stores.
- E. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier IV: Transitional Mixed-Use Zone:
- a. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  - b. Open space, clubhouse or pool amenity area.
  - c. Parking lots and decks.
  - d. Signs, in accordance with the provisions of chapter 21 and this chapter.
- F. *Mixed-use developments:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the public street frontage.
    - a. Minimum lot area: One acre.
  2. *Setback requirements.*
    1. *Front yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, and other project site amenities.
    2. *Side yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
    3. *Rear yard.* Minimum of 20 feet.

4. *Interior side yard.* Minimum of zero feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of 20 feet.
- G. *Single-family detached units:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots must have at least 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
  2. *Setback requirements.*
    - a. *Front yard.* Minimum of ten feet and a maximum of 20 feet.
    - b. *Side yard.* Minimum of ten feet.
    - c. *Interior side yard.* Minimum of five feet.
    - d. *Rear yard.* Minimum of 30 feet.
- H. *Single-family attached units:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots must have at least 30 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 3,000 square feet. Maximum of eight units or 240 feet.
  2. *Setback requirements:*
    - a. *Front yard:* Minimum of five feet and a maximum of 20 feet.
    - b. *Side yard:* Minimum often feet between buildings.
    - c. *Rear yard:* Minimum often feet.
    - d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than 60 feet apart. Structures which are side face to side face shall not be less than 20 feet apart. Structures which are side face to front face or back face shall be not less than 40 feet apart.
- I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five stories or 75 feet. Buildings in excess of three stories must be approved by the ~~director of planning~~ **Community Development Director or his/her designee** to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of 35 feet and shall not exceed two stories.
- J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density not exceeding 30 dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half.
1. *Density bonus.* The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three if one or more of the additional amenities is provided as described in the table below:

**Table 3.4 Bonus FAR: Tier IV**

<b>Additional Amenity</b>	<b>Increased FAR</b>
Increase public space to 25 percent while providing interparcel access for pedestrians and vehicles.	0.5

Increase public space to 30 percent while providing interparcel access for pedestrians and vehicles.	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- K. **Required parking.** Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building the parking is intended to serve. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations for the lot except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses-Minimum of one and one-half spaces per dwelling unit.
  5. Parking space area requirements shall comply with the provisions of section 6.1.3.
  6. Single-family detached residential dwelling units shall have two spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of 20 feet.
- L. **Sidewalks.** Sidewalks must be at least five feet in width and must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.1); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019)

### **Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).**

- A. **Statement of purpose and intent.** The primary intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.
- B. **Permitted principal uses and structures.** All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:
1. Adult day center.
  2. Bed and breakfast.



3. Child day care facility.
  4. Assembly hall.
  5. Cultural facility.
  6. Detached single-family dwelling.
  7. Office uses.
  8. Personal care facility.
  9. Place of worship.
  10. Retail, excluding drive-through facilities, gas and service stations, commercial amusements, liquor stores, package store, video arcades, pool halls, and small box discount stores.
  11. Office/medical.
  12. Personal services establishment.
- C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Open space, clubhouse or pool amenity area.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:
1. Kennels.
  2. Junkyard.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Go-cart concession.
  6. Outdoor storage.
  7. Automobile repair, major.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs
  14. Late-night establishments.
  15. Automobile wash, self service.
  16. Self-storage.
  17. Funeral home.

18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Multifamily dwelling unit.
- E. *Lot width, lot area and setbacks.*
1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 15,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* 35 feet.
      - ii. *Side yard.* 35 feet.
      - iii. *Rear yard.* 40 feet.
      - iv. *Interior side yard.* Ten feet.
  2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.
      - ii. *Side yard.* 15 feet.
      - iii. *Rear yard.* 20 feet.
      - iv. *Interior side yard.* Five feet.
  3. Reserved.
  4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.
    - a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.
    - b. Single-use structures must be a maximum of 10,000 square feet.
    - c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.
- F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.
- G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:

1. Residential, single-family detached: Minimum of two spaces.
  2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  4. Parking space area requirements must comply with the provisions of section 6.1.3.
- H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2019-11-05, § 1, 11-25-2019; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 3.5.15.3. Viewshed zone (Tier VI).**

- A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.
- B. *Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.
- C. *Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Viewshed Zone:
1. Sexually oriented businesses.
  2. Pawn shops.
  3. Package stores.
  4. Check cashing facility.
  5. Micro Home Community.
- E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI shall be governed by the underlying zoning district.
- F. *Height of buildings and structures.* The height of buildings and structures on property within Tier VI shall be governed by the underlying zoning district.
- G. *Required parking.* The minimum number of required parking spaces of property in Tier VI shall be governed by the underlying zoning district.
- H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### Sec. 3.5.16. Shared parking.

Shared parking is encouraged and may be authorized by the ~~director of planning~~ **Community Development Director or his/her designee**. Applicants may make application to the ~~director of planning~~ **Community Development Director or his/her designee** for authorization for a special exception for shared parking. Said applications shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** pursuant to the standards and procedures set forth in section 7.6.5.

(Ord. of 8-2-2017, § 1(3.5.16); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.17. Permits for uses.

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3.

(Ord. of 8-2-2017, § 1(3.5.17); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.18. Design guidelines.

The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall apply to all uses and structures within the Stonecrest Overlay District and shall be maintained by the ~~planning director~~ **Community Development Director or his/her designee** and available for public inspection. The design guidelines provide acceptable minimum standards to guide design and development within this overlay district. The ~~planning director~~ **Community Development Director or his/her designee** is authorized to create, administer, and amend design guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture, and grating criteria. These guidelines shall be used to promote proper design criteria and shall guide the ~~planning director~~ **Community Development Director or his/her designee** in deciding whether a proposed design complies with the requirements of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.18); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### Sec. 3.5.19. Plans required; certificates of compliance.

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit to the ~~director of planning~~ **Community Development Director or his/her designee** an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Stonecrest Overlay District and the underlying zoning classification.
- B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the City of Stonecrest City Council.
- C. *Review.* The ~~director of planning~~ **Community Development Director or his/her designee** shall review each application for compliance with all requirements of the Stonecrest Overlay District and the underlying zoning classification. Where the ~~director~~ **Community Development Director or his/her designee** determines that said plans comply with the requirements of the Stonecrest Overlay District a certificate of compliance shall be issued in the form of the ~~director or the director's designee~~ **Community Development Director or his/her designee** signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the ~~director~~ **Community Development Director or his/her designee**

determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the ~~director of planning-~~ **Community Development Director or his/her designee** within 30 days of receipt of a complete application. Any appeal of the ~~director of planning's~~ **Community Development Director or his/her designee** decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.5.19); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### **Sec. 3.5.20. Conceptual plan package review.**

A. The conceptual plan package must be composed of the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1.;
2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required; and
3. A multi-modal access plan meeting the requirements of section 3.5.12.

B. The plan to be submitted in the conceptual plan package must contain the following information:

1. Six copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches by 36 inches, and 8 and ½-inch by 11-inch reduction of the plan. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plan must contain the following information:
  - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
  - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
  - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
  - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest.
  - f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
  - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
  - h. A delineation of all existing structures and whether they will be retained or demolished.

- i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
- j. Height and setback of all buildings and structures.
- k. Approximate areas and development density for each type of proposed use.
- l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Stonecrest Area Overlay District.
- u. Seal and signature of professional preparing the plan.

(Ord. of 8-2-2017, § 1(3.5.20); Ord. No. 2019-11-001, § 1, 11-25-2019; Ord. No. 2019-11-03, § 1, 11-25-2019)

### ***DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT***

#### **Sec. 3.33.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1.

(Ord. of 8-2-2017, § 1(3.33.1))

#### **Sec. 3.33.2. Applicability of regulations.**

This division applies to each application for a business license, land disturbance permit, building permit or a sign permit which involves the development, use, alteration, or modification of any structure where the subject property is in whole or in part contained within the boundaries of any of the I-20 Corridor Compatible Use Overlay District. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the I-20 Corridor Compatible Use Overlay District.

(Ord. of 8-2-2017, § 1(3.33.2))

### **Sec. 3.33.3. Statement of purpose and intent.**

The purpose and intent of the City of Stonecrest in establishing the I-20 Corridor Compatible Use Overlay District is as follows:

- A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;
- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;
- C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;
- D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create pedestrian oriented communities in which people can live, work and play;
- E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;
- F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;
- G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;
- H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;
- I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;
- J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;
- K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;
- L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
- M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;

- P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;
- Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

(Ord. of 8-2-2017, § 1(3.33.3))

#### **Sec. 3.33.4. District boundaries and maps.**

- A. The I-20 Corridor Overlay District shall be comprised of the following six areas that are centered along the roadways that intersect with Interstate 20: The Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.
- B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the "I-20 Corridor overlay maps"). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.
- C. The I-20 Corridor Overlay District shall be divided into three tiers to guide future development and redevelopment. The tiers are based on the future land use recommendations.
  - Tier 1.* High-intensity area focused around the four activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one parcel to decrease the need for vehicular trips. The maximum height shall be up to 20 stories and 60 dwelling units/acre.
  - Tier 2.* Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight stories and allows for up to 40 dwelling units per acre.
  - Tier 3.* Low-intensity area which provides for a transition from the higher-intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four stories and allows up to 40 dwelling units per acre.
- D. The ~~planning and development director~~ **Community Development Director or his/her designee** shall be the final authority to determine whether any property is located within the boundaries of this section.

(Ord. of 8-2-2017, § 1(3.33.4))

#### **Sec. 3.33.5. Principal uses and structures.**

The principal uses of land and structures which are allowed in the I-20 Corridor Overlay District are as provided by the applicable zoning district, subject to the limitations and standards contained within this division. All properties zoned C-1 (Local Commercial) District, C-2 (General Commercial) District, O-I (Office-Institutional)



District, O-D (Office-Distribution) District, M (Industrial) and any RM (Multifamily Residential) District shall be used in accordance with the underlying zoning district and/or for the following principal uses of land and structures in mixed use developments subject to the standards and limitations contained within this division.

- A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.
- B. Art gallery and art supply store.
- C. Automobile services as follows:
  - 1. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
  - 2. Automobile parts and tire stores.
- D. Bank, credit union and other similar financial institution.
- E. Business service establishment.
- F. Child daycare center and kindergarten.
- G. Communications uses as follows:
  - 1. Radio and television broadcasting station.
- H. Community facilities as follows:
  - 1. Cultural facilities.
  - 2. Noncommercial club or lodge.
- I. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.
- J. Educational uses as follows:
  - 1. Vocational schools.
  - 2. Private schools, elementary, middle or high.
  - 3. Public school, elementary, middle or high
  - 4. Specialized non-degree schools to include ballet, music, martial arts, etc.
- K. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building. Nightclubs are permitted only in Tier 1 (maximum 10,000 square feet in floor area), subject to approval of the ~~planning and development director~~ **Community Development Director or his/her designee** and business license requirements.
- L. Office uses,
- M. Place of worship.
- N. Restaurants.
- O. Retail sales
- P. Retail building supplies as follows:
  - 1. Electrical supply store.
  - 2. Hardware and other building materials establishments.
  - 3. Paint, glass and wallpaper store.

Q. Services, medical and health as follows:

1. Health service clinic.
2. Medical and dental laboratories.
3. Offices of health service practitioners.
4. Pharmacy and drugstore.
5. Private ambulance and emergency medical services.

R. Services, personal, as follows:

1. Barber shop, beauty shop, and similar personal service establishments.
2. Laundry and dry-cleaning store.
3. Funeral home.
4. Linen and diaper service, garment pressing, alteration and repair.
5. Photographic studios.

S. Services, repair,

T. Shopping center.

U. Taxi stand and taxi dispatching office.

V. Tennis center, club and facilities.

W. Fitness center and health center.

X. Hotel.

(Ord. of 8-2-2017, § 1(3.33.5); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 3.33.6. Prohibited uses.**

A. The following principal uses of land and structures shall be prohibited within the I-20 Corridor Compatible Use Overlay District:

1. Boarding and breeding kennels as a primary use.
2. Storage yard for damaged automobiles or confiscated automobiles.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Micro Home Community.
6. Go-cart concession.
7. Outdoor equipment and materials storage.
8. Heavy repair shop and trade shop.
9. Extended stay motels.
10. Used cars sales as a primary use.
11. Temporary and/or seasonal outdoor sales.

12. Title and pawn shops.
13. Liquor stores.
14. Night clubs excluded in Tiers 2 and 3.
15. Salvage yards/junkyards.
16. Automobile, wash/Wax.
17. Self-storage.
18. Small box discount stores.

(Ord. of 8-2-2017, § 1(3.33.6); Ord. No. 2019-11-05, § II, 11-25-2019; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 3.33.7. Accessory uses and structures.**

The following accessory uses of land and structures shall be authorized in the I-20 Corridor Compatible Use Overlay District:

- A. Accessory uses and structures incidental to any authorized use.
- B. Parking lots and parking garages.
- C. Club house, including meeting room or recreation room.
- D. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- E. Signs, in accordance with the provisions of chapter 21 and this chapter.

(Ord. of 8-2-2017, § 1(3.33.7))

### **Sec. 3.33.8. Special permits.**

The following uses and structures shall be authorized only by permits of the type indicated:

- A. Special administrative permit from the ~~director of planning and development~~ **Community Development Director or his/her designee** as referenced in section 4.2.21, commercial recreation and entertainment:
  1. Art shows, carnival rides, festivals and special events of community interest.
  2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed 14 days duration, adequate parking is provided on the site.
  3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.51.
  4. Outdoor recreation/entertainment facilities.
- B. Special land use permit from the city council:
  1. Heliport.

(Ord. of 8-2-2017, § 1(3.33.8))

### Sec. 3.33.9. Development standards.

The following requirements shall apply to all structures in the I-20 Corridor Overlay District:

A. *Building setbacks.* The following requirements apply:

1. *Minimum front yard setback.* Zero feet from right-of-way of public street where the distance between the back of curb and property line is 15 feet in width or greater.
2. *Minimum interior Side yard:* Ten feet. In mixed-use developments there shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between buildings and structures when one of them is greater than two stories in height, and a minimum of 25 feet between buildings when one of them is greater than five stories in height.
3. *Minimum Rear yard:* Ten feet.

B. *Height of building and structures.* All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three development categories. The height restrictions are as follows:

*Tier 1.* Buildings and structures shall not exceed 20 stories.

*Tier 2.* Buildings and structures shall not exceed eight stories.

*Tier 3.* Buildings and structures shall not exceed four stories.

A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit. A parking deck may exceed five stories in height; however, a parking deck shall not exceed ten stories either as a separate deck structure or as part of an office building.

- C. *Density.* No development shall exceed a floor-area ratio (FAR) of 3 ½, unless it also provides additional public space or other amenities singly, or in combination as provided in section D. below.
- D. *Density bonus.* The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of 5½ in exchange for one or more of the additional amenities provided in the table below:

Table 3.9. Maximum Bonus Floor Area Ratio in Interstate 20 Corridor Compatible Use Overlay

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
The nonresidential component of mixed-use developments shall constitute not less than 30 percent of the gross floor area of the development.	0.25
Mixed-use building that includes multifamily residential units constituting at least 40 units per acre of land, and constructed in the same building with office-institutional, commercial and retail uses.	0.5

- E. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located with 700 feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 6 of this chapter, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
3. Hotel and motel uses: Minimum of one space per unit.
4. Multifamily residential uses: Minimum of 1¼ spaces per dwelling unit.

(Ord. of 8-2-2017, § 1(3.33.9))

### **Sec. 3.33.10. Open space requirements.**

- A. A minimum of 20 percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
- B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.
- C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the 20 percent open space requirement.
- D. Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the 20 percent requirement.
- E. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- F. Each applicant shall present as a part of the application for a building permit within the I-20 Corridor Overlay District a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as ensuring each of the following mandatory requirements:
  1. That all subsequent property owners within said I-20 Corridor Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
  4. When an applicant for an I-20 Corridor Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A. of this section, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;

- c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
- d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.33.10))

### **Sec. 3.33.11. Transitional buffer zone and transitional height requirements.**

- A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than 30 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Water detention ponds shall not be located within the transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.
- B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional height plane of 45 degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties through the use of staggered heights, greater setbacks, and enhanced buffers. Building heights in excess of 35 feet shall increase setbacks from the buffer line at a ratio of one to one.

(Ord. of 8-2-2017, § 1(3.33.11))

### **Sec. 3.33.12. Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within the I-20 Corridor Overlay District. The architectural style within the I-20 Corridor Overlay Districts shall be governed by the I-20 Corridor Design Standards.

- A. All building facades visible from the public street shall consist of concrete, stone, brick or stucco.
- B. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
- C. Seventy-five percent of the width of the front facade of the building at the ground level shall consist of fenestration.
- D. Roof materials shall not consist of any reflective surface.
- E. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be non-primary colors, including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.
- F. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
- G. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.

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- H. Chain link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.
- I. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- J. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

(Ord. of 8-2-2017, § 1(3.33.12))

### **Sec. 3.33.13. Landscaping requirements.**

The following landscaping regulations shall apply to all uses within the I-20 Corridor Overlay District, with the exception of mixed-use developments. Such developments shall require the submittal of a landscape plan for approval.

- A. *Landscape strips.* Any landscape strip shown as part of final design package shall not be less than five feet in width and shall be provided along all side and rear property lines. The landscape strip in the front yard shall be a minimum of ten feet in width and shall be planted with a row of street trees of at least 3½ inches in caliper selected from the list of street trees species identified in the design standards for the I-20 Corridor Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. *New trees.* Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.
- D. *Tree spacing.* No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Parking lot landscaping requirements.* All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

(Ord. of 8-2-2017, § 1(3.33.13))

### **Sec. 3.33.14. Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts.**

- A. *Sidewalk requirement.* There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five feet from the curb and shall be ten feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the ~~director of planning and development~~ **Community Development Director or his/her designee** may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.
- B. *Street tree planting.* Street trees of a caliper that is not less than three inches shall be planted no less than 30 feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:

1. Crape myrtle, standard trunk.
  2. October glory red maple.
  3. Sunset maple.
  4. Nuttall oak (*Quercus nuttalli*).
  5. Shumard oak (*Quercus shumardii*).
  6. Willow oak.
  7. Zelkova serrata.
  8. Ginkgo (*Ginkgo biloba*).
  9. Trident maple (*Acer buergerianum*).
  10. Allee lacebark elm (*Ulmus parvifolia* emer (II)).
- C. *Maintenance of trees and ground cover.* All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.
- D. *Curb cuts.* There shall be a minimum distance of 25 feet between curb cuts. Curb cuts shall not be permitted within 100 feet of the intersection of any two public streets and shall not be more than 24 feet wide.
- (Ord. of 8-2-2017, § 1(3.33.14))

### **Sec. 3.33.15. Underground utilities.**

All utilities except for major electric transmission lines and substations are required to be placed underground except where the ~~director of development~~ **Community Development Director or his/her designee** determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.33.15))

### **Sec. 3.33.16. Streetlights and street furnishings.**

Streetlights and furnishings are required for all public streets and shall conform to the design guidelines for the I-20 Corridor Area Overlay District.

(Ord. of 8-2-2017, § 1(3.33.16))

### **Sec. 3.33.17. Street and interparcel access.**

Streets within the I-20 Corridor Area Overlay District may be either public or private streets. Private streets shall comply with the requirements of public streets found in chapter 14 and all other applicable sections of the Code. To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential development. Where necessary, the City of Stonecrest may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.



(Ord. of 8-2-2017, § 1(3.33.17))

### **Sec. 3.33.18. Multimodal access plans required.**

Each new application for a development permit within the I-20 Corridor Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than one inch equals 100 feet. The multi-modal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on wall sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalk, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.33.18))

### **Sec. 3.33.19. Sign regulations.**

All lots in the I-20 Corridor Overlay District shall comply with all requirements of chapter 21 subject to the following additional regulations:

- A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;
- B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;
- C. Each lot shall have no more than one ground sign;
- D. The sign area of ground signs shall not exceed 32 square feet, unless the lot contains a shopping center, in which case ground signs are limited to 64 square feet;
- E. Ground signs shall not exceed a height of six feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of 15 feet;
- F. Each separate store front may have a maximum of two wall signs, each of which shall not exceed an area of ten percent of the area of the facade of the ground floor of the building or 75 square feet, whichever is less;
- G. Wall signs shall be located on the primary building facade and within 15 feet of the public right-of-way;
- H. Window signs are prohibited;
- I. Banners are prohibited;
- J. Wall-mounted signs shall be channel cut letters applied directly to the building facade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
- K. Sign shape and lettering shall be limited as follows:
  - 1. Signs with more than two faces are prohibited;
  - 2. Sign facing shall be flat in profile and shall not exceed a thickness of eight inches;

3. Sign faces shall be parallel;
  4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed 18 inches in height; and
  5. Sign lettering shall be of an opaque material.
- L. Any violation of this section shall be punishable by fine not exceeding \$500.00 or imprisoned for a term not to exceed six months, or both.

(Ord. of 8-2-2017, § 1(3.33.19))

### **Sec. 3.33.20. Shared parking.**

Shared parking is encouraged and may be authorized by the ~~director of planning and development~~ **Community Development Director or his/her designee**. Parking facilities within the parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours. Applicants may make an application to the ~~director of planning and development~~ **Community Development Director or his/her designee** for authorization for a special exception for shared parking.

(Ord. of 8-2-2017, § 1(3.33.20))

### **Sec. 3.33.21. Design guidelines.**

The ~~planning director or designee~~ **Community Development Director or his/her designee** is authorized to create, administer, and amend design standards for the I-20 Corridor Compatible Use Overlay District. These standards shall provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These standards shall be used to promote proper design criteria for the overlay district and shall guide the ~~planning director~~ **Community Development Director or his/her designee** in deciding whether a proposed design complies with the requirements of this overlay district. The design standards are hereby made a part of this division and shall be amended from time to time.

(Ord. of 8-2-2017, § 1(3.33.21))

### **Sec. 3.33.22. Plans required; certificates of compliance.**

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the ~~director of planning and development~~ **Community Development Director or his/her designee**. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all landscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this I-20 Corridor Overlay District and the underlying zoning classification.
- B. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.33.22))

### Sec. 3.33.23. Conceptual plan package review.

- A. The conceptual plan package shall be composed of the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1;
  2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and
  3. A multi-modal access plan meeting the requirements of section 3.33.18.
- B. The plan to be submitted in the conceptual plan package shall contain the following information:
1. Ten copies of a site plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8 ½-inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
    - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
    - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
    - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
    - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
    - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Stonecrest.
    - f. The delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act.
    - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
    - h. A delineation of all existing structures and whether they will be retained or demolished.
    - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
    - j. Height and setback of all buildings and structures.
    - k. Approximate areas and development density for each type of proposed use.
    - l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.

- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the I-20 Corridor Area Overlay District.
- t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.
- u. Seal and signature of the professional preparing the site plan.

(Ord. of 8-2-2017, § 1(3.33.23))

#### **Sec. 3.33.24. Final design package review and approval process.**

- A. *Review, approval of final design package.* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this I-20 Corridor Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
- B. *Review.* The ~~director of planning~~ **Community Development Director or his/her designee** shall review each application for compliance with all requirements of the I-20 Corridor Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the I-20 Corridor Overlay District, a certificate of compliance shall be issued in the form of the ~~director or the director's designee~~ **Community Development Director or his/her designee** signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the ~~director~~ **Community Development Director or his/her designee** determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** within 30 days of receipt of a complete application. Any appeal of the ~~director of planning's~~ **Community Development Director or his/her designee** decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.33.24))

### **Sec. 3.33.25. Final approval of plans.**

Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the ~~planning and development director~~ **Community Development Director or his/her designee**, consistent with the I-20 Corridor Overlay District requirements.

By enacting the I-20 overlay, the City Council authorizes the ~~planning and development department director~~ **Community Development Director or his/her designee** to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

(Ord. of 8-2-2017, § 1(3.33.25))

## **ARTICLE 4. USE REGULATIONS**

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

#### **Sec. 4.1.1. Overview.**

- A. *General Overview.* The regulations contained within this article 4 of this chapter shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.
- B. *General Findings and Purpose.* Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.
- C. *Findings and Purpose for Certain Land Uses.* National studies show that a concentration of certain land uses, including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops, negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report *The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County*, by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

(Ord. of 8-2-2017, § 1(4.1.1))

#### **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~~ **Community Development Director or his/her designee** shall have the authority to permit the use if the use is similar to uses permitted by this article. The ~~director of planning~~ **Community Development Director or his/her designee** 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.

(Ord. of 8-2-2017, § 1(4.1.2))

### 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 zoning 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~~ **Community Development Director or his/her designee** 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.
- D. Prohibited uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.
  - Distillation of bones or glue manufacture.
  - Dry cleaning plant.
  - Dye works.
  - Explosive manufacture or storage.
  - Fat rendering or fertilizer manufacture.
  - Fuel manufacture.
  - Incineration of garbage or refuse.
  - Landfills.
  - Paper or pulp manufacture.
  - Petroleum or inflammable liquids production/refining.
  - Radioactive materials storage and processing.
  - Rubber or plastics manufacture.
  - Disposal or storage of hazardous/toxic solid waste, including the application of thermal treatment technology.

Smelting copper, iron, zinc or ore.

Sugar refineries.

Tire retreading or recapping.



Table 4.1. Use Table

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative zoning permit from Community Development Director SP - Special land use permit (SLUP) *Blank = not permitted														
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
AGRICULTURAL																									
Agriculture and Forestry																									
Sawmill, Temporary or portable	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Winery and vineyard			SP																						✓
Animal Oriented Agriculture																									
Dairy	P																		P	P					✓
Keeping of livestock	P	P	P	P	P							P							P						✓
Keeping of poultry/pigeons	P	P	P	P	P							P							P						✓
Livestock sales pavilion	P																			P					✓
Riding academies or stables	P	P	P	P	P																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, apartment										P			SP										P	P	
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa				Pa	Pa	Pa	Pa	✓
Dwelling, cottage home						P	P	P	P	P		P													✓
Dwelling, mobile home											P														✓
Dwelling, multi-family								P	P	P			P								P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
High-rise apartment										P			SP										P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family							P	P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓

Live/work unit								P	P	P			P	P		P	P				P	P	P	P	✓
Micro home community (MHC)										P											P		P	P	✓
Mobile home park											P														
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																									
Bed and breakfast establishment	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Boarding/Rooming house								SP	P	P															
Child care home, 5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child care facility, 6 or more													P	P	SP	P	P				SP	SP	SP	SP	✓
Child day care center													P	P	P	P	P				P	P	P	P	
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓
Dormitory													Pa	Pa		Pa	Pa	Pa			Pa	Pa	Pa	Pa	
Fraternity house or sorority house								SP	P	P			SP									P	P		
Hotel	P	SP	X	X	X	X	P	P	P		✓														
Motel	X	X	X	X	X	X	P	P	P		✓														
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P	
Party house	SA	SA																							
Personal care home, 7 or more							SP	SP	SP	SP			P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, group, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	SP	P	P								✓
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓
Short term vacation rental	SP	SP	SP					SP													SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓
INSTITUTIONAL/PUBLIC																									
Community Facilities																									
Animal exhibition, indoor																	SP	SP							
Animal exhibition, outdoor																	SP	SP							
Aquarium/indoor/outdoor exhibition																	SP	SP							
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P							✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P					SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary													P	P		P	P				P	P	P	P	

Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P						✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P									P	P	
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P					✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
Education																									
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Educational use, private	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
School Private kindergarten, elementary, middle or high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
School, Public kindergarten, elementary, middle or high	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P	P	P	P	
School, Specialized													P	P		P	P	P	SP	SP	P	P	P	P	✓
School, Vocational								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									
Automobile brokerage																P	P		P	P					✓
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓
Automobile recovery and storage																			P	P					✓
Automobile repair, major																	P		P	P					✓
Automobile repair, minor																P	P		P	P					✓
Automobile sales or truck sales																P	P		P	P					✓
Automobile service stations																SP	SP	SP		P	P				✓
Automobile upholstery shop																	P		P	P					
Automobile wash/wax service																P	P		P						✓
Recreational vehicle, boat and trailer sales and service																P	P		P						✓
Service area, outdoor																	Pa		Pa	Pa					✓

Office																									
Building or construction office,								Pa	Pa	Pa			P	P		P	P	P	P	P					✓
Contractor office, heavy construction																P	P	P	P						✓
Contractor office, landscape																P	P	P	P						✓
Office, Professional								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Office, Medical								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																									
Sexually oriented business																			P						✓
Drive-in theater																P		P	P						✓
Fairground or amusement park																P		P	P						✓
Food trucks, mobile vending/food carts	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA			SA			SA	SA	SA	SA	SA					✓
Nightclub or late night establishments													Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓
Recreation, Indoor recreation															P	P	P	P	P	P	P	P	P	P	
Recreation, Outdoor	SP															P	P	SP							✓
Special events facility	SP												P	P		P	P	P	P		P	P	P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P	
Retail																									
Alcohol outlet—package store, primary																SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet—beer and/or wine store, beer growler, primary															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Alcohol outlet—beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	P	P		SP	SP	SP	SP	✓
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Commercial greenhouse or plant nursery															P	P	P		P		P				✓
Drive-through facilities													P		P	P	P	P	P		SP	SP	SP	SP	✓
Farmer's market, permanent													P	P	P	P	P	P	P	P	P	P	P	P	✓
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Fuel dealers, manufacturers or wholesalers																	P		P	P					
Fuel pumps														SP	SP	SP	SP	SP	SP	SP					✓

Fuel pumps, accessory to large scale retail w/in 1,000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa						✓
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓
Pawn shop, title loan																	P	P							✓
Retail, 5,000 sf or less (with the exception of small box discount stores)								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (with the exception of small box discount stores)															P	P	P	P			P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P	
Shopping center															P	P	P	P			P	P	P	P	
Trade shops													P	P		P	P	P	P	P					
Temporary Commercial Uses																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Eating and Drinking establishments																									
Brewpub/Beer growler															P	P	P		P		P	P	P	P	
Brewpub/Beer growler, accessory															P	P	P		P		P	P	P	P	
Brewery, craft																P	P		P		SP	SP	SP	SP	✓
Brewery, Craft (micro-brewery)															P	P			P		SU	SU	SU	SU	✓
Distillery, craft																P	P		P		SP	SP	SP	SP	✓
Brewery, Large scale																				P					
Distillery, Large scale																				P					
Catering establishments													P	P		P	P		P		P	P	P	P	
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P	
Restaurants with a drive-thru configuration													P	P		SP	SP		SP						✓
Transportation and Storage																									
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	
Heliport													SP			SP	SP	SP	P	P			SP	SP	✓

Parking, commercial lot													Pa			P	P	P	P	P	P	P	P	P	✓
Parking, commercial garage													Pa			P	P	P	P		P	P	P	P	
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P					✓
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	
Services																									
Adult day care center—3 or more													P	P	P	P	P	P				P	P	P	✓
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P				✓
Animal shelter/rescue center	SP																P	P	P	P					✓
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	
Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	
Check cashing establishment, primary																	P								✓
Check cashing establishment, accessory																P	P				P	P	P	P	✓
Child day care center (Kindergarten)—7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P				P	P	P	✓
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P	
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P	
Kennel, breeding	SP														Pa	Pa	P		P	P					✓
Kennel, commercial	SP															P	P		P	P					
Kennel, noncommercial	P	SP	SP	SP	SP																				
Landscape business																P	P		P	P					
Mini-warehouse														SP		P	P	P	P	P					✓
Outdoor storage, commercial																	P		P	P					✓
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P				P	P	P	P	
Printing or Publishing establishments													P	P			P		P	P					
Services, Medical and Health																									
Ambulance service or emergency medical services, private																P	P		P						
Clinic, Health services													P	P	P	P	P	P		P	P	P	P	P	
Kidney dialysis center													P	P		P	P		P		P	P	P	P	

Medical or dental laboratories														P	P		P	P		P	P			SA	SA	
Service area, outdoor																	Pa		Pa	P						✓
INDUSTRIAL																										
Alternative energy production																		SP	P	P						
Building materials or lumber supply establishment																	P		P							
Contractor, general (See also Building or Construction Office)																	P		P	P		P	P			✓
Contractor, heavy construction, outside storage																	P		P	P						✓
Contractor, special trade																	P		P	P						
Crematoriums																	SP		SP	SP		P	P			✓
Distillery, Large-scale																					P					
Fabricated metal manufacture, no EDP permit required																			P	P						
Fabricated metal manufacture, EPD permit required																				SP						
General aviation airport																			SP	SP						✓
Heavy equipment repair service or trade																	P		P	P						
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa						
Industrial, heavy																				P						
Industrial, light																			P	P						
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P						
Manufacturing, light																			P	P						
Manufacturing, heavy																				P						✓
Manufacturing operations not housed within a building																				P						✓
Mines or mining operations, quarries, gravel pits or soil pits																				P						✓
Mines or mining operations, Asphalt plant																			SP	SP						
Outdoor storage, industrial																			P	P						✓
Railroad car classification yards or team truck yards																			P	P						✓

Recovered materials facility wholly within a building																			P	P					✓	
Recovered materials processing wholly within a building																			P	P					✓	
Recycling collection													Pa		Pa	Pa	Pa		P	P						
Recycling plant																			P	P						
Research testing laboratories																			P	P						
Salvage yard (Junkyard)																			P					✓		
Self-storage, mini													SP					SP	P	P					✓	
Self-storage, multi													SP					SP	P	P					✓	
Storage yard, except vehicle																				P					✓	
Storage yard for vehicles																				P					✓	
Towing or wreckage service																			P	P						
Transportation equipment storage or maintenance (vehicle)																			P	P					✓	
Truck stop																			P	P						
Vehicle storage yard																			P	P						
Warehousing or storage																		P	P	P						
SOLAR ENERGY SYSTEMS																										
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓	
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	✓	
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	✓	
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P					✓	
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓	
COMMUNICATION—UTILITY																										
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														✓	
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Radio or television broadcasting studio													P				P		P	P	P	P	P	P		
Radio or television broadcasting transmission facility													Pa				P		P	P						
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	✓	
WIRELESS TELECOMMUNICATION (cell tower)																										
New support structure from 51 feet to 150 feet residential districts	SP	SP	SP	SP	SP	SP	SP																		✓	
New support structure from 51 feet up to 199 feet in non-residential districts													SA	SP	SP	SA	SA	SA	SA	SA					✓	



Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2018-09-02, § 1, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019; Ord. No. 2019-11-05, § III, 11-25-2019; Ord. No. 2021-06-03, § 1(Exh. A, § AA), (Att. 2), 8-23-2021; Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-03, § 1(Exh. A), 1-10-2022; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 4. - USE REGULATIONS  
**DIVISION** 2. SUPPLEMENTAL USE REGULATIONS

## *DIVISION 2. SUPPLEMENTAL USE REGULATIONS*

### **Sec. 4.2.1. Accessory buildings, structures, and uses.**

Accessory buildings, structures and uses determined by the ~~director~~ **Community Development Director or his/her designee** to be normally incidental to one or more permitted principal uses are hereby permitted as follows:

- A. Accessory structures allowed in all residential districts may include, but are not limited to, garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.
- B. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

(Ord. of 8-2-2017, § 1(4.2.1))

### **Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.**

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. Yard and setbacks.
  - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard:
  - 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
  - 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
  - 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
  - 5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.

- D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

Table 4.2. Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. of 8-2-2017, § 1(4.2.2))

**Sec. 4.2.3. Accessory dwelling unit, guesthouse, in-law suite.**

- A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
  - 1. Attached (addition to existing building);
  - 2. Detached; or
  - 3. Within existing house (renovations to basements, wings or attics converted into separate living unit).
- B. The heated floor area of a dwelling unit shall not include the square footage of the garage.
- C. Attached and detached accessory dwelling units are permitted by right, subject to the following:
  - 1. The minimum lot size shall be 10,000 square feet.
  - 2. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.

3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
5. Only one accessory dwelling unit of any type shall be permitted on a lot.
6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the ~~director of planning~~ **Community Development Director or his/her designee** showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
7. Any detached accessory dwelling unit shall be located in the Rear yard:
8. A second kitchen facility may be constructed and used within a single-family residence.
9. Paved off-street parking shall be provided for one additional vehicle.
10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

(Ord. of 8-2-2017, § 1(4.2.3))

#### **Sec. 4.2.4. Reserved.**

Ord. No. 2022-05-01, § 1(Exh. A), adopted May 23, 2022, repealed § 4.2.4, which pertained to adult daycare center (seven or more clients) and derived from Ord. of August 2, 2017, § 1(4.2.4).

#### **Sec. 4.2.5. Adult day center (three or more clients).**

Each adult day center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each adult day center shall provide off-street parking spaces as required by the applicable zoning district.
- C. No adult day center shall be located within 1,000 feet of another adult day center.
- D. No adult day center may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
  1. Permit application. Persons seeking to operate an adult day center in the city must file a permit application with the planning ~~and zoning department division~~. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult day center will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning ~~and zoning department division~~ may require clarification or additional

information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.

2. Notwithstanding the above provisions, if a proposed adult day center is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

(Ord. of 8-2-2017, § 1(4.2.5); Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022)

#### **Sec. 4.2.6. Sexually oriented businesses.**

- A. *Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B. *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloona Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food and Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food and Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (fourth Cir. 2010); *LLEH, Inc.*

v. *Wichita County*, 289 F.3d 358 (fifth Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); 84 *Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *HandA Land Corp. v. City of Kennedale*, 480 F.3d 336 (fifth Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (fifth Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (fifth Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Goldrush II v. City of Marietta*, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime and Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois - 2011—2012*; *Manatee County, Florida - 2007*; *Hillsborough County, Florida - 2006*; *Clarksville, Indiana - 2009*; *El Paso, Texas - 2008*; *Memphis, Tennessee - 2006*; *New Albany, Indiana - 2009*; *Louisville, Kentucky - 2004*; *Fulton County, GA - 2001*; *Chattanooga, Tennessee - 1999—2003*; *Jackson County, Missouri - 2008*; *Ft. Worth, Texas - 2004*; *Kennedale, Texas - 2005*; *Greensboro, North Carolina - 2003*; *Dallas, Texas - 1997*; *Houston, Texas - 1997, 1983*; *Phoenix, Arizona - 1995—1998, 1979*; *Tucson, Arizona - 1990*; *Spokane, Washington - 2001*; *St. Cloud, Minnesota - 1994*; *Austin, Texas - 1986*; *Indianapolis, Indiana - 1984*; *Garden Grove, California - 1991*; *Los Angeles, California - 1977*; *Whittier, California - 1978*; *Oklahoma City, Oklahoma - 1986*; *New York, New York Times Square - 1994*; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas - 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the city council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented

businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

- C. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
- D. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

(Ord. of 8-2-2017, § 1(4.2.6))

#### **Sec. 4.2.7. Agriculture and forestry.**

- A. *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, and shall provide a minimum of four off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, section 4.3.1.
- B. *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than 100 feet from any adjoining property that is zoned for residential use.
- C. *Dairies.* Notwithstanding subsection E. of this section, any structure used for housing or processing of dairy cows shall be set back not less than 200 feet from property lines, and all dairy cows shall be kept at least 100 feet from property lines.
- D. *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than 50 feet from property zoned or used for residential purposes.
- E. *Livestock.*
1. Livestock regulations apply to animals over 12 months of age.
  2. Livestock shall only be permitted on a lot containing two or more acres, and there shall be no more than two animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three animals per fenced acre for sheep or goats.

3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than 100 feet from any property line.
  4. Dwarf livestock may be kept at up to two per 50 square feet of fenced area, with no minimum lot size, except lots less than 10,000 square feet shall be limited to a total of three dwarf livestock animals.
  5. Structures for housing dwarf livestock shall be setback not less than ten feet from any property line.
  6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
  7. A structure providing at least 100 square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least 25 square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three square feet per animal.
  8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
  9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
  10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 6 of this chapter.
  11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
  12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
  13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.
- F. *Livestock sales pavilion or abattoirs.* Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least 100 feet from any property line. All animals to be processed shall be fenced at least 100 feet from any property zoned or used for residential purposes.
- G. *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten acres. Any structure that houses animals used as part of the riding stable shall be located at least 100 feet from any property line. All animals shall be fenced at least 20 feet from any property line.
- H. *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than 500 feet from any residential structure other than the owner's.
- I. *Keeping of chickens, pigeons.*
1. The minimum fenced yard area for chickens shall be 25 square feet per hen.
  2. Chickens and pigeons must be housed at least 20 feet from any property line, and 50 feet from any residence other than the owner's.
  3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.
  4. The minimum lot size for the keeping of chickens or pigeons is 10,000 square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.



5. No roosters are allowed.
6. The maximum number of hens shall be one hen per 2,000 square feet of lot size.
7. Each coop shall have at least four square feet of floor space per chicken over four months old. For Bantams, a variety defined as miniature, each coop shall have one square foot of floor area per chicken over four months old.
8. Chickens must be kept securely in an enclosed yard or pen at all times.
9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

J. *Beekeeping.*

1. No more than two apiary colonies are allowed per one-quarter acre.
2. Apiary colonies must be setback from all property lines a minimum of ten feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

(Ord. of 8-2-2017, § 1(4.2.7))

**Sec. 4.2.8. Alcohol outlets, retail, package liquor store.**

- A. Package stores shall not be located:
1. Within 1,000 feet of an existing package store or alcohol outlet;
  2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
  3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
1. Within 600 feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
  2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps require a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.8); Ord. No. 2021-06-05, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.9. Amateur radio service antenna structure.**

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 70 feet. Amateur radio service antenna structures in single-family residential districts exceeding 70 feet in height shall be permitted only by special land use permit subject to all of the requirements of section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

(Ord. of 8-2-2017, § 1(4.2.9))

#### **Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.**

- (a) All employees of any licensed establishment must hold an employee permit, unless otherwise exempt under this chapter. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.
- (b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.
- (c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.
- (d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.
- (e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.
- (f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.

- (g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. of 8-2-2017, § 1(4.2.10); Ord. No. 2017-10-04, § 1(4.2.10), 10-16-2017)

#### **Sec. 4.2.11. Animal care facilities.**

##### **A. Animal hospitals and veterinary clinics.**

1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least 100 feet from any property zoned or used for residential purposes.
2. When located within a shopping center, the use shall be adequately soundproofed and odor-proofed so as not to create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment;
4. Outside runs or kennels are prohibited.

##### **B. Animal shelter, four or more.**

1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned for residential use.
2. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.
3. No animal shelter shall be located within 500 feet of a residential district.
4. Outside pens must be located a minimum of 75 feet from any stream.

##### **C. *Pet grooming shops.*** Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least 100 feet from any property zoned or used for residential purposes.

##### **D. *Pet daycare.*** Any building or enclosed structure for the housing of animals associated with a pet daycare use shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.

##### **E. *Kennels, commercial boarding and breeding kennels.*** All kennels shall comply with the following:

1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least 100 feet from any property line and at least 200 feet from property zoned for residential use.
2. Kennels shall be located on a site of not less than two acres.
3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight feet in height.
5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.

- F. *Household pets.* Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three household pets on each lot which is two acres or less in size. On any lot exceeding two acres in size, a person may keep one additional household pet for each additional acre above two acres up to a maximum of ten household pets. Litters of animals of not more than six months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.
- a. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.
  - b. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.
  - c. Outdoor Animal Exhibitions shall only be allowed in the Conservation/Open Space Character Area and on properties within the Arabia Mountain Conservation Overlay District.
  - d. The Outdoor Animal Exhibition use shall be added to Table 3.1 Overlay Use Table under the Recreation and Entertainment Land Use section of Chapter 27 Zoning Ordinance Article 3. Overlay District Regulations for the Arabia Mountain Conservation Overlay District as a use subject to Mayor and Council approval of a Special Land Use Permit.
- G. *Indoor animal exhibitions.* 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.
  4. Provide written permission from the owner or property manager of the building to be occupied as an indoor Animal Exhibition to the City.
  5. Display a copy of all required valid licenses and permits in a prominent place on premises.
  6. Be licensed and comply with all rules and regulations for a "Licensed Class C—Exhibitor" under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of "USDA Animal Care - Animal Welfare Act and Animal Welfare Regulations" (aka the USDA Blue Book).  
<https://www.aphis.usda.gov/animal-welfare/downloads/bluebook-ac-awa.pdf>.  
  
All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or nonrenewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.
  7. Comply with the Georgia Department of Agriculture Animal Health Division regulations as established in the Rules and Regulations of the State of GA Chapter 40-13.
  8. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of nonnative species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
  9. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.

10. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).
  11. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.
  12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 - Animals.
  13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and Statutes :: US Law :: Justia
  14. Comply with the National Association of State Public Health Veterinarians (NASPHV) standards for protection of human health.
  15. The proposed animal exhibition use shall only be allowed in the character areas identified as compatible with the use, and only within specified zoning districts that are found in one of those character areas. The following parameters shall control the location of the exhibitions:
    - a. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.
    - b. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.
    - c. Outdoor Animal Exhibitions shall only be allowed in the Conservation/Open Space Character Area and on properties within the Arabia Mountain Conservation Overlay District.
    - d. The Outdoor Animal Exhibition use shall be added to Table 3.1 Overlay Use Table under the Recreation and Entertainment Land Use section of Chapter 27 Zoning Ordinance Article 3. Overlay District Regulations for the Arabia Mountain Conservation Overlay District as a use subject to Mayor and Council approval of a Special Land Use Permit.
- H. *Outdoor animal exhibitions.* As relates to Outdoor Animal Exhibitions, such use shall comply with paragraphs 1. through 15. directly above and the following additional regulations:
1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 a.m. and 8:00 p.m.
  2. No building that houses animals, or enclosure that confines animals, shall be placed less than 100 feet from a common property boundary with a residential use or a residential zoning district.

(Ord. of 8-2-2017, § 1(4.2.11); Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023)

#### **Sec. 4.2.12. Antennas, satellite dishes, television receivers.**

- A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.
- B. Antennas, satellite dishes, or other television transmission receivers located in a nonresidential zoned district are prohibited in any yard which adjoins a residential zoned district.

- C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

(Ord. of 8-2-2017, § 1(4.2.12))

#### **Sec. 4.2.13. Automobile wash service, principal, accessory, detail or mobile.**

- A. Automobile wash services shall provide a paved area with capacity to store five vehicles waiting to use automatic carwash facilities, and two vehicles per bay for self-service car washes.
- B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
- C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
- D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
  2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
  3. The car wash structure shall be located behind the rear building line of the principal building,

(Ord. of 8-2-2017, § 1(4.2.13))

#### **Sec. 4.2.14. Automotive sales and service; boat, trailer sales and service.**

- A. *Automobile and truck sales.* Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one acre in area.
- B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:
- (1) Upon the minor redevelopment of existing buildings or structures, as defined in section 27-8.1.16, that also requires a land development permit or building permit, the ~~director of his designee~~ **Community Development Director or his/her designee** may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
  - (2) Shops shall not be permitted on property located within 300 feet of any property used for a school, park, playground or hospital.
  - (3) All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For the purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.

- (4) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six feet in height.
  - (5) Outdoor displays of merchandise shall be prohibited beyond ten feet from the primary building and shall only be displayed during business hours.
  - (6) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
  - (7) New facilities must be designed with automobile bays facing away from the primary street frontage.
  - (8) Junk vehicles shall not be stored on the property.
  - (9) All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.
  - (10) No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
  - (11) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- C. *Automobile repair and maintenance establishments, minor.* Minor automobile repair and maintenance establishments shall meet the following:
- (1) Upon the minor redevelopment of existing structures or buildings, as defined by section 27-8.1.16, that also requires a land development permit or building permit, the ~~director~~ **Community Development Director or his/her designee** or his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.
  - (2) Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
  - (3) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six feet in height).
  - (4) Outdoor displays of merchandise shall be prohibited beyond ten feet from the building and shall only be displayed during business hours.
  - (5) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
  - (6) New facilities must be designed with automobile bays facing away from the primary street frontage.
  - (7) Junk cars shall not be stored on the property.
  - (8) No automobile sales or curb storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
  - (9) All parking located in front of the primary building shall be limited to customers seeking service only.
- D. *Automobile service stations, including gas sales.* Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.29.
- E. *Automobile, truck and trailer lease and rental.* Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way.

The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. All parking areas shall be clearly marked and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one acre in area.

- F. *Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center.* Where the lease and rental of automobiles, trucks and trailers is a use which is an accessory use, the following requirements shall apply:
  - 1. The lot on which the inventory vehicles are parked shall be no less than one acre in area.
  - 2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or Rear yard:
- G. Any work on vehicles conducted outdoors shall only be permitted in the rear yard, but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.
- H. Boat and boat trailer sales. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
- I. Retail automobile parts and tire stores. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
  - 1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
  - 2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
  - 3. Major automobile repair shall not be permitted in connection with these uses.
  - 4. Outside display of merchandise shall not extend into the parking lot.
- J. *Trailer and RV salesrooms and sales lots.* All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
- K. Automobile recovery, storage yards for damaged or confiscated automobiles. The following provisions shall apply to storage yards for damaged or confiscated automobiles:
  - 1. The use shall be enclosed by a fence or wall which is not less than eight feet in height which provides visual screening.
  - 2. No dismantling, repair or other similar activity shall be conducted on the premises.
  - 3. The use shall be located at least 1,000 feet from any residential district or use.
  - 4. Automobiles shall not be stored longer than provided by state and city law.

(Ord. of 8-2-2017, § 1(4.2.14))

#### **Sec. 4.2.15. Bed and breakfast inn and home stay.**

- A. The following applies to all bed and breakfast establishments:
  - 1. The operator of the establishment shall reside on-site.
  - 2. The use shall require a building permit and approval of the fire department.



3. Rooms to be let may not be equipped with cooking facilities.
  4. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
  5. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
  6. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the ~~director of planning.~~ **Community Development Director or his/her designee.**
- B. In addition to the requirements in subsection A. of this section, the following requirements apply to home stay bed and breakfast establishments:
1. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one off-street parking space for each bedroom used as a part of the home stay bed and breakfast residence.
  2. No signs or advertising are permitted to identify or advertise the existence of the home stay bed and breakfast residence beyond those otherwise allowed for residential property.
  3. No individual other than the owner or an employee shall stay for longer than seven consecutive days.

(Ord. of 8-2-2017, § 1(4.2.15))

#### **Sec. 4.2.16. Building and construction office, landscape contractors.**

The following standards shall be required for building and construction offices and landscape contractor offices:

- A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six feet in height.
- B. Parking of vehicles shall be located in the side or rear yard only.

(Ord. of 8-2-2017, § 1(4.2.16))

#### **Sec. 4.2.17. Cemetery, columbarium, mausoleum, as principal use.**

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.42, places of worship.

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

(Ord. of 8-2-2017, § 1(4.2.17))

**Sec. 4.2.18. Check cashing.**

The following provisions shall apply to all check cashing facilities:

- A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within 1,000 feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor facade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.
- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

(Ord. of 8-2-2017, § 1(4.2.18))

**Sec. 4.2.19. Child daycare facility (up to six children), or child daycare center (seven or more children).**

Each child daycare facility and child daycare center shall be subject to the following requirements. A child daycare facility or center may also be a kindergarten or preschool.

- A. Each child daycare facility and child daycare center shall comply with all applicable state daycare requirements for standards, licensing and inspection. A City of Stonecrest business license is required.
- B. Prior to the issuance of a business license for a child daycare facility or child daycare center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child daycare facility and child daycare center shall provide off-street parking spaces as required by the applicable zoning district. Each child daycare center shall provide an adequate turnaround on the site.
- C. The exterior appearance of any child daycare facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).
- D. No child daycare facility shall be located within 1,000 feet of another child daycare facility.
- E. See also additional approval criteria in article 7 of this chapter, administration.

(Ord. of 8-2-2017, § 1(4.2.19))

**Sec. 4.2.20. Coliseum, stadium, amphitheater.**

The following provisions apply to coliseums, stadiums and amphitheaters:

- A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the Planning ~~Zoning department~~ **and division.**
- B. All structures shall be located and all activities shall take place no less than 100 feet from any property line adjacent to a residential district or use.

(Ord. of 8-2-2017, § 1(4.2.20))

#### **Sec. 4.2.21. Commercial recreation and entertainment.**

- A. *Drive-in theaters.* The following provisions shall apply to drive-in theaters:
  - 1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than 50 feet from any property line.
  - 2. Driving and parking areas shall be paved.
  - 3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
  - 4. Central loudspeakers shall be prohibited.
  - 5. The theater screen shall not be visible from any freeway or thoroughfare.
  - 6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot-high screening fence.
  - 7. The property shall have a minimum buffer area ten feet in width surrounding the portion of the property used for drive-in theater purposes.
- B. *Fairgrounds and amusement parks.* The following provisions shall apply to fairgrounds and amusement parks:
  - 1. All buildings and structures associated with such uses shall be set back not less than 200 feet from any property line.
  - 2. Such uses shall not be permitted within 500 feet of a residential district.
  - 3. Such facilities shall be enclosed by a six-foot screening fence.
- C. *Golf driving ranges and batting cage facilities.* The following provisions shall apply to golf driving ranges and batting cage facilities:
  - 1. Such uses shall be enclosed by a six-foot-high screening fence or a 25-foot-wide buffer to screen adjacent property.
  - 2. Central loudspeakers shall be prohibited.
  - 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- D. *Miniature golf courses.* The following provisions shall apply to miniature golf courses:
  - 1. Such uses shall be enclosed by a six-foot-high screening fence and a buffer ten feet in width to screen adjacent property.
  - 2. Central loudspeakers shall be prohibited.
  - 3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

- E. *Golf courses.* The following provisions shall apply to golf courses:
1. Except for emergency purposes, loudspeakers shall be prohibited.
  2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- F. *Recreation grounds, fishing lakes and other related facilities.* The following provisions shall apply to recreation grounds and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- G. *Tennis centers, clubs and facilities.* The following provisions shall apply to tennis centers, clubs and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide planted buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- H. *Go-cart concessions.* The following provisions shall apply to outdoor go-cart concessions:
1. All buildings and structures associated with such use shall be set back not less than 200 feet from any property line.
  2. Such use shall not be permitted within 500 feet of the boundary of a residential district.
  3. Such use shall be enclosed by a six-foot-high masonry wall.
  4. The motor size of any cart used shall not exceed five horsepower.
  5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed 40,000 square feet.
  6. Central loudspeakers shall be prohibited.
- I. Other outdoor recreation shall meet the standards provided in subsection G. of this section.
- (Ord. of 8-2-2017, § 1(4.2.21))

#### **Sec. 4.2.22. Crematories.**

Crematory use shall be located at least 100 feet from the property line of any property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(4.2.22))

#### **Sec. 4.2.23. Drive-through facility, restaurant.**

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
- B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.
- C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
  - a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
  - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
  - c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
  - d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.
  - e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
  - f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.
  - g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:
    - i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.
    - ii. Facility is accessible only through interparcel access or through a shared driveway.

- iii. Facility is part of a major redevelopment, as defined in section 27-8.1.16.
  - h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.
- (Ord. of 8-2-2017, § 1(4.2.23))

#### **Sec. 4.2.24. Dwellings; cottage, mobile home, townhouse, urban single-family, and condominium.**

- A. *Cottage.* Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.
- B. *Mobile home or manufactured home.* When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only, and may not be used for commercial purposes.
- C. *Townhouse and urban single-family (U-SF).* Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.
- D. *Condominium standards.* If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** with the application for development approval.

(Ord. of 8-2-2017, § 1(4.2.24))

#### **Sec. 4.2.25. Emission stations.**

Emission stations shall be setback no less than 35 feet from the public right-of-way. A metal building may be used if it has a brick base at least three feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.

(Ord. of 8-2-2017, § 1(4.2.25))

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

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 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); Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023)

#### **Sec. 4.2.27. Farmers markets, temporary seasonal.**

Temporary or seasonal farmers markets must obtain a special administrative zoning permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

- A. The operator of a farmers market shall obtain a business license from City of Stonecrest prior to opening the farmers market.
- B. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
- C. Displayed inventory of the products sold may include:
  - 1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
  - 2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
  - 3. All other items may not be displayed and sold.
- D. At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.

- E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.
- F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.
- G. Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.
- H. Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.
- I. Parking. Two parking spaces per vendor shall be provided on-site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.
- J. Access to public toilet facilities shall be provided to customers.
- K. Farmers markets must obtain a special administrative zoning permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:
  - 1. Name and current address of the applicant.
  - 2. A notarized letter signed by the property owners or authorized property manager or agent, consenting to the placement of the farmers market on the property.
  - 3. A site plan drawn to-scale showing:
    - a. Property lines, street curbs, street names, adjacent sidewalks as applicable.
    - b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
    - c. Location of on-site and off-site parking spaces.
    - d. Any other documents or information requested and deemed by the ~~director of planning~~ **Community Development Director or his/her designee** as applicable to the specific application.

(Ord. of 8-2-2017, § 1(4.2.27); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 4.2.28. Fuel pumps, accessory.**

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the ~~director~~ **Community Development Director or his/her designee** may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
  - (1) All associated light fixtures shall be directed away from surrounding residential neighborhoods.



- (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
  - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
  - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
  - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
  - (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
  - (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
  - (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
  - (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
  - (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.
- D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations must meet the following criteria:
1. Facility is located within 100 feet of an intersection of a major arterial street and a major or minor arterial street, or located within 500 feet of an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.
  2. Facility is accessible via direct or secondary access to two roads.
  3. Facility includes at least 5,000 square feet of retail space.
  4. No more than two facilities may be located at any given intersection.
  5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.
- E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.
- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.
- G. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.
- H. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

- I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

(Ord. of 8-2-2017, § 1(4.2.28); Ord. No. 2021-06-05, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.29. Heavy industrial uses.**

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

- A. Submit within the letter of application the following details:
  - 1. Specific operations to be performed.
  - 2. Hours of operation.
  - 3. Whether operations will be indoors or outdoors.
  - 4. How long materials will be stored on the property.
  - 5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
  - 6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
  - 7. How many employees there will be.
  - 8. Whether the operation will be open to the public.
  - 9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
  - 10. Whether the proposed use requires the submittal of a development of regional impact (DRI).
- B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
- C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
- D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
  - 1. Any use requiring a solid waste handling permit.
  - 2. Any use which utilizes burning, melting, or degasification.
  - 3. Any use which involves the emissions of particulate matter.
  - 4. Any use which processes or stores hazardous materials.
- E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.

- F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
- G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
- H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

(Ord. of 8-2-2017, § 1(4.2.29); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 4.2.30. Heliport, general aviation airport.**

Heliports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

(Ord. of 8-2-2017, § 1(4.2.30))

#### **Sec. 4.2.31. Home occupations and private educational uses.**

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the ~~director of planning and zoning.~~  
Community Development Director or his/her designee.
  - 1. The owner/operator of the business must reside on the premise.
  - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
  - 1. Customer contact is allowed for Type II home occupations.
  - 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
  - 1. There shall be no exterior evidence of the home occupation.
  - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
  - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  - 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.

5. No more than one business vehicle per home occupation is allowed.
  6. No home occupation shall be operated so as to create or cause a nuisance.
  7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
  8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
  - E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31); Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.32. Late-night establishments and night clubs.**

- A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.
- B. Late-night establishments and nightclubs shall be subject to all of the following standards:
  1. Parking facilities within a lot may be shared in accordance with article 6 of this chapter, parking.
  2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
  3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning ~~and zoning department~~ division.
  4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
- C. No late night establishment or night club boundary line shall be located within 1,500 feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
- D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:
  1. From the property line of the land upon which the late-night establishment or nightclub is located;
  2. To the property line of the land which is zoned for a residential use;
  3. Along a straight line which describes the shortest distance between the two property lines (i.e., "as the crow flies").
- E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use, as defined in

article 9 of this chapter. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated.

(Ord. of 8-2-2017, § 1(4.2.32))

#### **Sec. 4.2.33. Live-work.**

A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

A. Live-work units shall meet all of the following standards:

1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a nonresidential district, permitted uses shall be limited to those uses allowed in that district.
3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
4. A live-work unit will be subject to all applicable licenses and business taxes.
5. See also article 5 of this chapter for additional design requirements, including section 5.7.7.

(Ord. of 8-2-2017, § 1(4.2.33))

#### **Sec. 4.2.34. Mines, mining, quarries, gravel pits, borrow pits, and sand pits.**

The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article 7 of this chapter, administration for additional approval criteria.

A. The following provisions apply to removal or extraction of dirt, sand and soil:

1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
2. The use shall not be established within 1,000 feet of a residential zoning district or use nor within 300 feet of any other use.

3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.
- B. Quarry and mining. The following provisions apply to the use of any parcel of land for a quarry, mine or mining operation:
1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the ~~director of planning~~ **Community Development Director or his/her designee**.
  2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the ~~director of planning~~ **Community Development Director or his/her designee**.
  3. A blasting limit of two inches per second peak particle velocity, as measured from any of three mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
  4. An air blast limit of 128 decibels (linear-peak), measured at off-site residential buildings, shall not be exceeded.
  5. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."
- C. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the ~~director~~ **Community Development Director or his/her designee** a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(4.2.34))

#### **Sec. 4.2.35. Mini-warehouses.**

- A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RVs, etc., and shall only be allowed in side and rear yards.
- B. Storage units may not be used for the following uses: The operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
- C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
- D. Buffer standards in article 5 of this chapter shall apply.
- E. Exterior lighting for a mini-warehouse facility shall project inward and downward, and shall not spillover to adjacent properties.

(Ord. of 8-2-2017, § 1(4.2.35))

#### **Sec. 4.2.36. Moving buildings, requirements.**

No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 27 of the Code and is first approved by the ~~director of planning.~~ Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(4.2.36))

#### **Sec. 4.2.37. Outdoor display and seating.**

This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3 of this article, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:

- A. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.
- B. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
- C. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- D. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
- E. Outdoor displays of tires shall be within ten feet of the building.
- F. Outdoor displays shall be permitted in any yard, but shall not encroach into any public rights-of-way.
- G. Outdoor displays shall present a neat and orderly appearance.
- H. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
- I. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
- J. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

(Ord. of 8-2-2017, § 1(4.2.37))

#### **Sec. 4.2.38. Outdoor storage of materials, supplies, equipment or vehicles.**

The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-dealerships; salvage yards; junkyards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

- A. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
  - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
  - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
  - 3. The materials stored must be for use by the owner and not displayed for sale to third parties.
  - 4. Fleet vehicles associated with the operation of the business are exempt from these requirements.
- B. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:
  - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
  - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
  - 3. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
  - 4. Fleet vehicles associated with the operation of a business are exempt from these requirements.
- C. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following are expressly prohibited:
  - 1. Indoor appliances, whether or not in use;
  - 2. Indoor furniture, whether or not used for outdoor leisure furniture; and
  - 3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

(Ord. of 8-2-2017, § 1(4.2.38))

#### **Sec. 4.2.39. Parking, commercial lot.**

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.39))

#### **Sec. 4.2.40. Pawn shops.**

The following provisions shall apply to pawn shops:

- A. Pawn shops shall not be permitted within 1,000 feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.



- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

(Ord. of 8-2-2017, § 1(4.2.40))

#### **Sec. 4.2.41. Personal care homes and child caring institutions.**

##### **A. *Personal care homes, general requirements.***

- 1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
- 2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
- 3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- 5. No city permit for the operation of the personal care home shall be transferable.

##### **B. *Personal care home, group (up to six persons).***

- 1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.
- 2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
- 3. The home must be at least 1,800 sq. ft in size.
- 4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

##### **C. *Personal care home, (seven or more persons).***

- 1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care Home, and Child Care Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child-care facility. The 1,500-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.

E. *Child Care Homes, (up to five children).*

1. Each group child care home must provide at least four parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six or more children).*

1. Two copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

(Ord. of 8-2-2017, § 1(4.2.41); Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021)

#### **Sec. 4.2.42. Places of worship, convents; monasteries; temporary religious meetings.**

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.42))

#### **Sec. 4.2.43. Private elementary, middle and high school.**

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:
  - 1. *Elementary school.* Two acres plus one additional acre for each 100 students based on the designed capacity of the school.
  - 2. *Middle school.* Three acres plus two acres for each 100 students based on the designed capacity of the school.
  - 3. *High school.* Five acres plus two acres for each 100 students based on the designed capacity of the school.
- B. The minimum public road frontage for a private school is 200 feet.
- C. Accessory ball fields shall be located at least 50 feet from a residential district or property used for a residential purpose.
- D. A 50-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

(Ord. of 8-2-2017, § 1(4.2.43))

#### **Sec. 4.2.44. Salvage yard, junkyard.**

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

- A. The site shall be enclosed by a wall or opaque fence not less than eight feet in height.
- B. No activity and no vehicle storage associated with such uses shall be conducted within 100 feet of any property zoned or used for residential purposes.
- C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within 50 feet of the street right-of-way.
- D. No activity and no vehicle storage associated with such uses shall be conducted within 50 feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
- E. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

- F. The sale of automobile parts removed from vehicles on the site shall be permitted.
- G. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

(Ord. of 8-2-2017, § 1(4.2.44))

#### **Sec. 4.2.45. School, specialized and vocational.**

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

(Ord. of 8-2-2017, § 1(4.2.45))

#### **Sec. 4.2.46. Senior housing; independent and assisted living, nursing, and continuing care.**

- A. Primary uses. Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multifamily (attached) residences.
- B. Accessory uses. Senior housing facilities shall include one or more of the following accessory uses:
  - 1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
  - 2. Central kitchen and dining facility.
  - 3. Recreation and amenities.
  - 4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
  - 5. Adult daycare.
- C. The maximum number of unrelated residents living independently (not requiring personal care) and at age 55 or older allowed in an independent living unit is one per bedroom.
- D. Height standards. A senior living facility in which all of the occupied units are occupied by at least one senior aged 55 or older is authorized up to ten stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in article 5 of this chapter.
- E. Accessibility standards. All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:
  - 1. At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
  - 2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
  - 3. Every door on the main floor shall provide a minimum width of 34 inches of clear passage.
  - 4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- F. Assisted living, nursing and continuing care facilities shall provide the following:
  - 1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:

(Supp. No. 4)

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- a. Primary services: on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
  - b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
  - c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.
- G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 7 of this chapter and after consideration of the following:
  1. Proximity and pedestrian access to retail services and public amenities.
  2. Transportation alternatives.
  3. Integration into existing neighborhoods through connectivity and site design.
  4. Diverse housing types.
  5. Site and building design that encourages social interaction.
  6. Building design that meets easy living standards.
- H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
  1. Building height.
  2. Landscaping.
  3. Maximum lot coverage.
  4. Setbacks from exterior property lines.
  5. Site size.
  6. Access to thoroughfare.
- I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
  1. Survey and site plan (per established requirements in article 7 of this chapter).
  2. Landscape and tree plan.
  3. Number and location of residential units.
  4. Types of units.
  5. Amenities.
  6. Institutional/nonresidential services.
  7. Proximity to services such as health care, shopping, recreation, and transit.
  8. Other documents addressing the approval criteria in subsections G. and H. of this section.

(Ord. of 8-2-2017, § 1(4.2.46))

**Sec. 4.2.47. Service areas, outdoor, for nonresidential uses.**

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

(Ord. of 8-2-2017, § 1(4.2.47))

**Sec. 4.2.48. Shelters for homeless or battered persons and transitional housing facilities.**

- A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of 20 persons, unless accessory to a place of worship.
- B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
- C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.
- D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
- E. No new shelter or transitional housing facility shall be located within 1,000 feet of an existing shelter or transitional housing facility.
- F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 7.5.9 if the residents would constitute disabled persons under the FHA.

(Ord. of 8-2-2017, § 1(4.2.48))

**Sec. 4.2.49. Micro home community (MHC).**

- A. *Permitted Districts.*
  - a. HR-1, HR-2, and HR-3
- B. *Site Requirements.* No other code shall prevail over this section.
  - a. MHCs shall be on a minimum of two acres of land.
  - b. The minimum building separation is ten feet.
  - c. Minimum setback on all sides shall be 20 feet from property line.
  - d. Minimum lot area shall be 2,000 square feet.
- C. *Courtyard/Amenities Area.*
  - a. MHCs shall have a minimum of three of the following amenities:
    - 1. Gazebo;
    - 2. Swimming Pool;
    - 3. Tennis Court;
    - 4. Walking Trail;

5. Club House;
  6. Pet-Friendly Amenities;
  7. Children Playground;
  8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
  9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
  - c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.
- D. *Interior Requirements.*
- a. The living space per residential dwelling unit shall be a minimum of 400 square feet and a maximum of 800 square feet, excluding patios, porches, garages, and similar structures.
  - b. A split-level micro home shall include a first floor living space of at least 150 square feet.
  - c. A micro home shall have the following:
    1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than 30 linear inches.
    2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
    3. A separate closet.
    4. At least one habitable room containing an openable window and a closet.
    5. Ceilings at least 6'8" tall
    6. Rooms not meant for sleeping are at least 70 square feet.
- E. *General Requirements.*
- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
  - b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
  - c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
  - d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
  - e. All utilities must be installed underground.
  - f. One and half (1.5) parking spaces per dwelling unit shall be provided. Parking location(s) shall be decided by the developer.

(Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

**Sec. 4.2.50. Swimming pool, community.**

Community swimming pools and their customary accessory buildings and structures shall be set back at least 15 feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four feet nor more than six feet in height. Setback is measured from the pool decking except where established elsewhere.

(Ord. of 8-2-2017, § 1(4.2.50))

**Sec. 4.2.51. Telecommunications towers and antennas.**

See section 4.2.57, wireless telecommunications.

(Ord. of 8-2-2017, § 1(4.2.51))

**Sec. 4.2.52. Tennis court, accessory to residential.**

Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least 15 feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

(Ord. of 8-2-2017, § 1(4.2.52))

**Sec. 4.2.53. Transit shelters.**

- A. Transit shelters may be located within a street right-of-way with permission from the ~~director of planning~~ **Community Development Director or his/her designee** or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle per article 5 of this chapter.
- B. A schematic plan of the transit shelter must be submitted and approved by the ~~director of planning~~ **Community Development Director or his/her designee**. The plan must include the following:
  - 1. The location of the proposed shelter relative to street, property lines, and established building yards;
  - 2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

(Ord. of 8-2-2017, § 1(4.2.53))

**Sec. 4.2.54. Truck stop.**

The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops shall be permitted only on parcels of ten acres or more.
- B. Entrance drives for truck stop facilities shall not be closer than 300 feet from any point of an interstate highway interchange.
- C. Truck stops shall meet all state and federal environmental guidelines and requirements.

(Ord. of 8-2-2017, § 1(4.2.54))



### Sec. 4.2.55. Urban garden or community gardens.

- A. If an urban garden or community garden is greater than five acres, a special administrative permit is required. The permit shall expire 24 months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.
- B. The following items shall be submitted with the special administrative permit application:
  - 1. Name and current address of the applicant.
  - 2. Address of the garden.
  - 3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owners, or authorized property manager or agent, consenting to the placement of a garden on the lot.
  - 4. A site plan showing:
    - a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
    - b. Plan layout and dimensions showing plot layout, structures and compost areas.
    - c. Source of water, including any rain barrel locations.
  - 5. Permit fee.
  - 6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.
- C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:
  - 1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
  - 2. *Management.* An individual shall be present on-site during all sales hours to direct the vending operations.
- D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
  - 1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
  - 2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
  - 3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
  - 4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
  - 5. Parking requirements. The garden shall provide a minimum of one parking space per one-half acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within 500 feet of the property line of the property on which the community garden is located.

6. Permitted structures. The following structures are permitted in association with an urban or community garden:
  - a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
  - b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
  - c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is:
  - (i) Intended for ordinary household use;
  - (ii) Borrowed or rented for a period not to exceed seven days; or
  - (iii) Located in an urban garden in Light Industrial District or Heavy Industrial District);
 shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
8. Buildings. Buildings shall be set back a minimum of ten feet from property lines.
9. A minimum of 20 feet of lot frontage along a public right-of-way, or an access easement not less than ten feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six feet in height. Fencing along the front shall not exceed four feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten feet from any property line.
14. One sign located on a community garden site is permitted, provided that it shall not exceed six square feet of sign area, excluding the base, and shall not exceed four feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

(Ord. of 8-2-2017, § 1(4.2.55))

#### **Sec. 4.2.56. Utility structure necessary for transmission or distribution of service.**

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located

only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

(Ord. of 8-2-2017, § 1(4.2.56))

#### **Sec. 4.2.57. Wireless telecommunications (cell tower).**

- A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996, which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:
1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
  2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city;
  3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
  4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
  5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
  6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
  7. To preserve those areas of scenic or historic significance;
  8. To facilitate implementation of an existing tower map for City of Stonecrest;
  9. To promote and encourage the joint use of new and existing tower sites among service providers;
  10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;
  11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Abandon* means when a tower is not operated for a continuous period of six months.
- Accessory equipment* means any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
- Administrative approval* means zoning approval that the ~~director of planning~~ **Community Development Director or his/her designee** is authorized to grant in the form of a special administrative permit.

*Administrative review* means evaluation of an application by the ~~director of planning~~ **Community Development Director or his/her designee** in connection with the review of an application for a building permit.

*Antenna* means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services, including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. The term "antenna" does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

*Application* means a formal request submitted to City of Stonecrest to construct, collocate or modify a wireless support structure or a wireless facility.

*Attached wireless telecommunications facility* means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

*Carrier on wheels or cell on wheels (COW)* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

*Collocate or collocation* means the placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. The term "collocate" or "collocation" includes the placement of accessory equipment within an existing equipment compound.

*Distributed antenna systems (DAS)* means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

*Equipment compound* means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

*Existing structure* means previously erected support structure or any other structure, including, but not limited to, buildings and water tanks, to which telecommunications facilities may be attached.

*Fall zone* means the maximum distance from its base a wireless support structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

*Geographic search area (GSA)* means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

*Modification* means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing wireless support structure or within an existing equipment compound and may include:

- (i) An increase in structure height of a pre-existing tower up to 30 percent so long as such height increase does not trigger FAA lighting requirements; or

- (ii) The removal and replacement of a pre-existing tower with a new tower at the same location that may be up to 30 percent taller so long as any such structure height increase does not trigger FAA lighting requirements.

*Monopole* means a single, freestanding pole-type structure supporting one or more antennas. For the purposes of this section, a monopole is not a tower.

*Ordinary maintenance* means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include modifications.

*Replacement* means constructing a new support structure of the same proportions and of equal height, or such other height that would not constitute a modification to a pre-existing support structure, in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

*Support structure (new or existing)* means a structure designed to support telecommunications facilities, including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.

*Stealth telecommunications facility* means any telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. This term, includes, but is not limited to, artificial trees, clock towers, bell steeples, church towers and steeples, light poles, flag poles, monopoles with modified flush mount antennas and similar alternative-design structures that, in the opinion of the ~~director of planning~~ **Community Development Director or his/her designee** or city council, as may be appropriate based on the requirements for approval in the zoning district in which the telecommunications facility is to be located, are compatible with the natural setting or surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

*Telecommunications facility* means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and along with accessory equipment located in an equipment compound.

*Tower* means a lattice-type structure, guyed or freestanding, that supports one or more antennas or antenna arrays.

- C. *Approvals required for telecommunications facilities, stealth and new support structures.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any tower or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said tower or antennas.

1. All telecommunications facilities, stealth and new support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for a telecommunications facilities, stealth and new support structures shall be in addition to either a special administrative permit or a special land use permit if required.
2. Telecommunications facilities, stealth and new support structures permitted pursuant to Table 4.1 upon issuance of a special administrative permit by the ~~director of planning~~ **Community Development Director or his/her designee** shall be considered in accordance with the standards set forth in this

- chapter. A building permit for a telecommunications facilities, stealth and new support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
3. Telecommunications facilities, stealth and new support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).
- D. *Exempt.* Ordinary maintenance of existing telecommunications facilities, stealth and new support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this chapter:
1. Antennas used by residential households solely for broadcast radio and television reception;
  2. Satellite antennas used solely for residential or household purposes;
  3. Telecommunication facilities, towers, stealth and new support structures, and monopoles located on city-owned property;
  4. COWs placed for a period of not more than 120 consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
  5. Television and AM/FM radio broadcast towers and associated facilities; and
  6. DAS facilities when located within a building or on the exterior of a building.
- E. *Telecommunications facilities, and modifications permitted by administrative review (building permit).*
1. Telecommunications facilities located on existing structures.
    - a. Attached wireless telecommunications facilities are permitted in all zoning districts, except single-family residential, when located on any existing structure (other than a single-family residential structure or a multifamily residential structure less than four stories or 50 feet in height) subject to administrative review in accordance with the requirements of this chapter.
    - b. Attached wireless telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the ~~director of planning~~ **Community Development Director or his/her designee** that increasing structure height will allow collocation on the tower by a wireless service provider and that such collocation will obviate the need for a new telecommunications facility in the same geographic search area (GSA). Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.
  2. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this chapter, subject to the following regulations:
    - a. The utility easement or right-of-way shall be a minimum of 100 feet in width.

- b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.
    - c. The height of the monopole or replacement pole may not exceed by more than 30 feet the height of existing utility support structures.
    - d. Monopoles and all accessory equipment shall be set back a minimum of 15 feet from all boundaries of the easement or right-of-way.
    - e. Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection c. above. Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to 20 feet above the height of the utility tower.
  - 3. The ~~director of planning~~ **Community Development Director or his/her designee** must issue a written decision approving, approving with conditions, or denying the application for modification or collocation within 90 days of submission of the initial application.
- F. *Telecommunication facilities and structures permitted by special administrative permit or special land use permit.*
- 1. *New support structures and attached wireless.*
    - a. New support structures up to 150 feet in height shall be permitted in the NS and OIT zoning districts by special land use permit in accordance with the requirements of this chapter.
    - b. New support structures up to 199 feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts in accordance with the requirements of this chapter.
    - c. Only attached wireless telecommunications (AWT) facilities are allowed in single-family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for nonresidential purposes, and attached to nonresidential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.
    - d. New support structures either up to 150 feet in height, or up to 199 feet in height depending on the zoning district in which the new support structure is located, may be permitted administratively or through the special land use permit process as described in Table 4.1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. Stealth design is encouraged.
  - 2. *Stealth design telecommunications facilities.*
    - a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
    - b. Stealth telecommunication facilities are mandatory in medium and high density residential districts and shall not exceed 150 feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.
    - c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
    - d. Existing structures utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, buildings, flagpoles, bell towers, clock towers, religious crosses, monuments, smoke stacks, parapets, and steeples.

3. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit). COWs may be placed for a period of not more than 120 consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COWs compliance with all federal requirements, may be up to 45 consecutive days before such special event, for the duration of the event, and for up to 14 consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the ~~director of planning~~ **Community Development Director or his/her designee**, COWs are authorized without permitting.
4. *General standards, design requirements, and miscellaneous provisions.* Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.
5. *Special administrative permit review process.* All special administrative permit applications must contain the following:
  - a. The special administrative permit application form signed by the applicant.
  - b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
  - c. Site plans detailing proposed improvements complying with the city's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
  - d. In the case of a new support structure:
    - i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
    - ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
    - iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one application requiring only a single application fee.
    - iv. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
    - v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
    - vi. Current and proposed coverage map for the proposed tower.



- vii. A structural integrity analysis of a tower shall be included where antennas and equipment will be attached to such existing tower, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
- viii. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule.

6. *Procedure.*

- a. Within 30 days of receipt of an application for special administrative permit, the ~~director of planning~~ **Community Development Director or his/her designee** shall either:

- (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
- (2) Deem the application complete.

If the ~~director~~ **Community Development Director or his/her designee** informs the applicant that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application.

- b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. The ~~director of planning~~ **Community Development Director or his/her designee** must issue a written decision approving, approving with conditions, or denying the application within 150 days of the submission of the initial application unless:
  - i. The ~~director of planning~~ **Community Development Director or his/her designee** notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information; or
  - ii. An extension of time is agreed to by the applicant in writing.
- d. After making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall have ten calendar days to post a sign on the subject property which reflects the decision of the ~~director~~ **Community Development Director or his/her designee** and includes the deadline for taking an appeal of the decision.
- e. An aggrieved person, as such term is defined by Georgia courts, may appeal any decision of the ~~director of planning~~ **Community Development Director or his/her designee** approving, approving with conditions, denying an application, or deeming an application incomplete, within 30 days of such decision to zoning board of appeals in accordance with this chapter.

G. *Special land use permit review process.*

- 1. Any telecommunications facility, stealth or new support structure, located in a medium to high density residential district, or NS and OIT (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
  - a. The submission requirements below;
  - b. The applicable standards below; and

- c. The requirements of the special land use permit general requirements provided in article 7 of this chapter.
2. Submission requirements for special land use permit applications.
  - a. All special land use permit applications for telecommunications facilities, stealth and new support structures, must contain the following:
    - i. The special land use permit application form signed by applicant.
    - ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
    - iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
    - iv. A scaled site plan clearly indicating the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed tower, design of the tower and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on-site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the ~~director of planning~~ **Community Development Director or his/her designee** to assess compliance with this section.
    - v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the ~~director of planning~~ **Community Development Director or his/her designee** to provide an adequate description of the proposal.
    - vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer.
    - vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations. A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
    - viii. Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four directions within the surrounding areas.
    - ix. A list of all towers and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of

structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

- x. A statement indicating why collocation is not feasible. Such statement shall include:
  - (1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
  - (2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
- xi. A statement certifying that the proposed stealth or new support structure will be made available for collocation to other service providers at commercially reasonable rates.
- xii. Notification to surrounding property owners as required by this chapter.
- xiii. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.

### 3. Procedure.

- a. Within 30 days of the receipt of an application for special land use permit, the ~~director of planning~~ **Community Development Director or his/her designee** shall either:
  - (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
  - (2) Deem the application complete.

If the ~~director~~ **Community Development Director or his/her designee** informs the applicant in writing that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.

- b. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.
- d. Applications for stealth and new support structures with accompanying telecommunications facilities shall be considered as one application requiring only a single application fee.
- e. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.
- f. The ~~director of planning~~ **Community Development Director or his/her designee** must provide the applicant with a written decision of the city council approving, approving with conditions, or denying the request within 150 days of the submission of the initial application unless:
  - i. The ~~director of planning~~ **Community Development Director or his/her designee** notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information in writing; or

- ii. An extension of time is agreed to by the applicant.

H. *General standards and design requirements.*

1. *Design.*

- a. Support structures shall be subject to the following:
  - i. Designed to accommodate a minimum number of collocations based upon their height, as follows:
    - (i) Support structures less than 100 feet in height shall be designed to support at least two antenna arrays;
    - (ii) Support structures between 100 and 150 feet shall be designed to support at least three antenna arrays; and
    - (iii) Support structures greater than 150 feet in height shall be designed to support at least four antenna arrays.
  - ii. The compound area surrounding the support structure must be a minimum 80 feet by 80 feet in size to accommodate accessory equipment for the appropriate number of collocations.
  - iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
- b. Stealth telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible.
- c. Upon request of the applicant, the ~~director of planning~~ **Community Development Director or his/her designee** may waive the requirement that new support structures accommodate the collocation of other service providers if the ~~director of planning~~ **Community Development Director or his/her designee** determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community. Additionally, the ~~director~~ **Community Development Director or his/her designee** may reduce the required size of the compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of collocations.

2. *Setbacks.*

- a. Property lines. Unless otherwise stated herein, stealth and new support structures shall be set back from all property lines a distance of the fall zone plus 20 feet, or if adjacent to property zoned residential, the greater of:
  - (a) The fall zone plus 20 feet; or
  - (b) 100 feet.
- b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
- c. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.

- d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
    - i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
    - ii. The proposed telecommunications facility, stealth or new support structure is consistent with the purposes and intent of this division.
3. *Height.*
- a. In nonresidential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed 199 feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
  - b. In medium and high density residential districts, stealth support structures shall not exceed 150 feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
  - c. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.
4. *Aesthetics.*
- a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
  - b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
  - c. Landscaping. The visual impacts of a tower shall be mitigated by landscaping. Unless located in heavily wooded areas, towers shall be landscaped with a landscape buffer which effectively screens the view of the tower compound from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
  - d. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound.
  - e. All landscaping shall be of the evergreen variety and shall conform to the city's buffer standards.
5. *Accessory equipment, including any buildings, cabinets or shelters.*
- a. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
  - b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
  - c. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be

required by the ~~director of planning~~ **Community Development Director or his/her designee** in order to accomplish the purposes and goals of this section.

- I. *Sound provision.* No sound emanating from the facility generator during normal operations shall be audible above 70 decibels which would allow normal conversation within 15 feet of the compound.
- J. *Miscellaneous provisions.*
  - 1. *Fencing.*
    - a. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six feet.
    - b. Fencing shall be decorative, including brick or concrete columns.
    - c. The ~~director of planning~~ **Community Development Director or his/her designee** may waive the requirement of subsection (j)(1)a. of this section if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.
  - 2. *Neighborhood identity.* If located in residential area, towers may incorporate features that identify neighborhoods, such as banner arms or monuments.
  - 3. *Abandonment and removal.* If a support structure is abandoned, the ~~director of planning~~ **Community Development Director or his/her designee** may require that the support structure be removed, provided that the ~~director of planning~~ **Community Development Director or his/her designee** must first provide written notice to the owner of the support structure and give the owner the opportunity to take such actions as may be necessary to reclaim the support structure within 60 days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the 60-day period, the owner of the support structure shall be required to remove the same within six months thereafter at the owner's expense. The city shall ensure and enforce removal by means of its existing regulatory authority.
  - 4. *Multiple uses on a single parcel or lot.* Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- K. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*
  - 1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date the ordinance from which this chapter is derived was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.
  - 2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.
  - 3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

(Ord. of 8-2-2017, § 1(4.2.57))

#### **Sec. 4.2.58. Short term vacation rental.**

- A. No individual renting the property shall stay for longer than 30 consecutive days.

- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

(Ord. No. 2018-09-01, § 1, 9-17-2018; Ord. No. 2018-09-02, § 1, 9-17-2018; Ord. No. 2019-02-02, § 1, 2-11-2019)

#### **Sec. 4.2.59. Party houses.**

- (a) A Single Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.
- (b) An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.
- (c) With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
- (d) Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter 18, Article VII of the City Code.

- (e) In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.
- (f) Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.
- (g) A qualifying event at a "Party House" may not continue past 11:00 p.m. on Sunday—Thursday, or midnight on Friday—Saturday or any Federal Holiday.
- (h) Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2,000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than two other residential lots.
- (i) No alcohol may be sold during a qualifying event of a "Party House" and no more than one drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.
- (j) A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten such qualifying events in any calendar year.

(Ord. No. 2019-11-04, § I, 11-25-2019)

Ord. No. 2019-11-04, § I, adopted November 25, 2019, set out provisions intended for use as § 4.2.58. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.59.

#### **Sec. 4.2.60. Eating and drinking establishments.**

Eating and Drinking Establishment that also operate another use Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

(Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02, § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.59. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.60.

#### **Sec. 4.2.61. Smoking lounges.**

Smoking Lounges shall be subject to the following restrictions:

- A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
- B. Hours of operation shall not extend past 11:00 p.m.
- C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.

(Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

Ord. No. 2022-01-02, § 1(Exh. A), adopted January 10, 2022, set out provisions intended for use as § 4.2.60. For purposes of classification to avoid duplication of numbering, and at the editor's discretion, these provisions have been included as 4.2.61.



#### Sec. 4.2.62. Reserved.

#### Sec. 4.2.63. Craft breweries and craft distilleries.

- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:
- B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area.
- C. No outdoor public address system shall be permitted.
- D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.
- F. Outdoor placement of grain silos shall be allowed, subject to the ~~Director of Planning & Zoning~~ Community Development Director or his/her designee review and approval of their appearance, signage, location and height.
- G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.
- H. The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 2:55 a.m. on Monday: (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the planning and development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or (4) A public stadium, coliseum or auditorium.
- I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.
- J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- K. A violation of subsection (a), (b) or (e) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.
- L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.

- M. Outdoor storage: There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets.

(Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022)

#### **Sec. 4.2.64. Wineries and associated uses.**

- A. Winery must be located on the same property as the vineyard used in the production of the wine. Said property must be a minimum of 15 acres.
1. Winery must be a minimum of 40 percent of the building dimensions
  2. Tasting must be a minimum of 35 percent of the building dimensions
  3. Workshop/garage must be a minimum of 25 percent of the building dimensions
- B. Vineyards that do not have a winery used in the production of wine must have a minimum of 15 acres. Vineyard activities shall include the following:
1. Must be a plantation that grow grapes on the property.
  2. Pruning the vines.
  3. Picking the fruit.
  4. Checking for insects (bugs).
  5. Planting new vines.
  6. Repairing and making new trellises.
  7. Training vines to trellises.
  8. Pulling weeds.
- C. The winery may have one tasting room (35 percent of tasting room) on premise for purposes of on-site consumption of wine and related activities.
- D. The principal entrance through which vehicles will enter the premises of the winery and Tasting Room shall be on a public road designated as a collector or arterial road.
- E. A winery may offer samples of its wine in the tasting room for consumption on premises or in closed packages for consumption off the premises. Alcoholic beverage sales for consumption on premises shall be limited to flights of individual 1.5 oz servings of different wines produced from grapes, berries or fruits grown on site.
- F. Outdoor speakers and other created sounds must adhere to the noise ordinance regulations. See Article 7: Noises.
- G. A retail sales area may be included in the Tasting Room, with package wine sales. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.
- H. All buildings must have an architectural appearance of a residential or agricultural building(s).
- I. All operations, activities, and special events unrelated to the growing, harvesting or processing of grapes, berries, or fruits on the property of the winery shall cease by 11:30 p.m. eastern standard time.
1. A "Special Event" is Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for

parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. The event shall consist of 200 or less people at one time.

- J. Food service shall be limited to cheese and crackers, unless otherwise approved herein. No indoor and outdoor ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of food, unless otherwise approved herein by the ~~Director of Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
- K. A retail sale may be included in the Tasting Room, with package sales limited to wine produced by the farm winery licensee.
- L. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.
- M. Except as otherwise provided to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A. § 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:
  - 1. Sales shall occur only within an area of the zoned premises approved by the ~~Director of the Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
  - 2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.
  - 3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.
  - 4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Stonecrest concerning such sidewalk dining facilities.
  - 5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same regulations as sidewalk dining facilities for up to four tables provided the porch area is approved by the ~~Director of the Planning & Zoning~~ Community Development Director or his/her designee ~~or his or her designee~~.
- N. A farm winery shall obtain and have a license as set forth in O.C.G.A. § 3-6-21.1, et seq.
- O. Sunday sales shall be governed by O.C.G.A. § 3-6-21.2.
- P. All lounge and restaurant areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises. The sale or dispensing of alcoholic beverages in any back room or side room that is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:
  - (1) Private or special events which have been scheduled in advance;
  - (2) Sales to hotel, cottages, bed breakfast and/or cabins;
  - (3) Private clubs; or
  - (4) Corporate events.

A winery/vineyard may request to host the following events specifying the number of times per calendar month such events would be limited:

- a. Catered dinners.

- b. Single food truck events. Must be licensed and adhere to the Department of Public Health and State of Agriculture Department regulations.
- c. Seasonal events.

(Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022)

Ord. No. 2022-10-02, § 1(Exh. A), adopted October 24, 2022, added provisions that were not specifically amendatory. At the editor's discretion, said provisions have been set out herein as § 4.2.64.

#### **Sec. 4.2.65. Self-storage, mini.**

Self-storage, mini shall meet the following requirements:

- A. Maximum of one level/story
- B. Requires a Special Land Use Permit in OI and OD Zoning District
- C. The storage facility shall be climate controlled.
- D. All buildings must have windows or architectural treatments that appear as windows.
- E. Lot must be a minimum of one acre.
- F. At least 75 percent of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than ten feet high.
- G. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space is allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical interference.
- H. An on-site manager shall be required and shall be responsible for the operation of the facility in conformance with the conditions of approval.
- I. Provide a minimum six-foot high, 100 percent opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall be located outside of any public right-of-way and interior to any required landscape strips or buffers.
- J. *Lighting.* Exterior lighting for a self-storage facility shall project inward and downward and shall not spillover to adjacent properties.
- K. *Design.* A combination of the following materials shall be used for self-storage on each building wall: brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
- L. No outside storage shall be allowed.
- M. No self-storage facility (mini or multi) shall be within 1,000 feet of a school, church, or daycare.
- N. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

(Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

**Sec. 4.2.66. Self-storage, multi.**

Self-storage, multi shall meet the following requirements:

- A. Minimum of two levels/stories; maximum of four levels/stories.
- B. Requires a Special Land Use Permit in OI and OD Zoning District
- C. The storage facility shall be climate controlled.
- D. All buildings must have windows or architectural treatments that appear as windows.
- E. Lot must be a minimum of one acre.
- F. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are allowed. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses, or any use which creates a nuisance due to noise, odor, dust, light, or electrical interference.
- G. An on-site manager shall be required and shall be responsible for the operation of the facility in conformance with the conditions of approval.
- H. *Lighting.* Exterior lighting for a self-storage facility shall project inward and downward and shall not spillover to adjacent properties.
- I. *Design.* A combination of the following materials shall be used for self-storage on each building wall: brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
- J. No outside storage shall be allowed.
- K. No self-storage facility (mini or multi) shall be within 1,000 feet of a school, church, or daycare.
- L. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

(Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

**Sec. 4.2.67. Food trucks, mobile vending/food cart.**

All Food Trucks shall comply with the following:

- A. *Permit.*
  - 1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit, in accordance with Section 7.6.1. of this chapter, to operate within the city.
  - 2. No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.
  - 3. All valid vendor permits are nontransferable.
  - 4. Any condition of zoning or provision of the Stonecrest and Dekalb County's zoning ordinance that prohibits a food truck use on a property shall supersede this section.

5. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all unexpired city, county, and state licenses. Vendors shall follow all laws of the state and county health departments, or any other applicable laws.
  6. Food Trucks, Mobile Vending/Food Carts offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.
  7. Food Trucks, Mobile Vending/Food Carts selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section.
  8. Food Trucks, Mobile Vending/Food Carts may offer items permissible for sale only.
  9. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.
- B. *Permitted locations.*
1. Allowable districts: All residential, OD, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Director. Community Development Director or his/her designee.
  2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.
- C. *Restricted locations.*
1. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.
  2. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
  3. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.
- D. *Hours of operation.*
1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.
  2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.
  3. Food Trucks, Mobile Vending/Food Carts shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.
- E. *Sales Taxes and Records Keeping.*

1. Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR.
  2. Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to:
    - a. Records of sales and receipts for purchases and expenses from any business in which a vender has any interest.
- F. Parking.
1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.
  2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.
- G. Signage.
1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, Chapter 21.
- H. Lighting/Noise.
1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements, except for Ice Cream Food Truck.
    - a. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.
- I. Waste Disposal.
1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the Special Administrative Permit application.
- J. Denials, fines suspension and revocations.
1. No valid permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter, crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.
  2. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.
  3. A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:
    - a. Fraud, misrepresentation or false statements contained in the application.
    - b. Failure on the part of a vendor to maintain initial eligibility qualifications.

- c. Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.
- d. Any failure to comply with any requirement set forth in this article or this Code.

(Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

#### **Sec. 4.2.68. Hotels and motels.**

Hotels and motels shall meet the following requirements:

- A. Hotels are prohibited from providing lodging at an hourly rate.
- B. No hotel or motel located within the city shall allow any person to occupy such hotel or motel for more than 30 consecutive days, nor more than 60 days during a 180 day period. No patron shall begin a new rental agreement with a hotel or motel without at least a two-day vacancy between stays.
- C. Notwithstanding the provisions of subsection 4.2.27(b), a hotelier may designate no more than three rooms for the purpose of allowing any number of bona-fide employees and their families to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct rooms from those held out for rent to the public and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.
- D. Notwithstanding the provisions of subsection 4.2.27(b), a stay more than 30 consecutive days or more than 60 days during a 180 day period may occur under the following circumstances:
  - 1. Where there is a written contract or documented agreement between a hotel or motel and a business, corporation, firm, or governmental agency to house employees or individuals on valid work orders;
  - 2. Where there is written documentation, consistent with HIPAA privacy rules, that a hotel or motel guest is considered family or is providing care for a patient who is admitted at a local hospital or is undergoing hospice care; or
  - 3. Where an insurance company or federal, state, or local agency has provided documentation that a hotel or motel guest has been displaced from their home by a natural disaster or fire.
- E. For any hotel or motel permitted for construction after April 2023, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall be locked between the hours of 9:00 p.m. and 6:00 a.m. and shall be equipped with an alarm or other device that will alert hotel or motel security or other employees that the door has been opened. These requirements are not applicable to entry points that enter directly into the lobby of the hotel or motel as long as the lobby is manned by a bona fide employee 24 hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel or motel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.
- F. No hotel or motel may be located within 500 feet of another hotel or motel.

(Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023)



Ord. No. 2023-05-03, § 1(Exh. A), adopted May 22, 2023, set out provisions intended for use as 4.2.64. Inasmuch as there were already provisions so designated, and at the discretion of the editor, the provisions have been redesignated as § 4.2.68.

### ***DIVISION 3. TEMPORARY USE REGULATIONS***

#### **Sec. 4.3.1. Temporary outdoor uses; general requirements.**

- A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning ~~and zoning department~~ **division** subject to the provisions of article 7 of this chapter, and any other applicable agency which may require review prior to issuance of permits.
- B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.
- C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.
- D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.
- E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.
- F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.
- G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.
- H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 7 of this chapter.
- I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
- J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
- K. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.
- L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.1))

### Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

(Ord. of 8-2-2017, § 1(4.3.2); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)

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(Supp. No. 4)

### Sec. 4.3.3. Temporary outdoor seasonal activities.

Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:

A. *Use regulations.*

1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

B. *Lot and parcel restrictions.*

1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a nonresidential zoning district.
2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

C. *Setback and structure requirements.*

1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within 25 feet of the street.
2. Tents over 200 square feet and canopies over 400 square feet shall require issuance of a building permit and approval by the fire marshal.
3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.3))

### Sec. 4.3.4. Temporary outdoor retail sales displays.

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

A. *Use regulations.*

1. A special administrative permit must be approved in accordance with the provisions of article 7 of this chapter.
  2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
  3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
  4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
  5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.
- B. *Lot and parcel restrictions.*
1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.
  2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
  3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the ~~director~~. Community Development Director or his/her designee
  4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
  5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from subsections (b)(1) and (b)(2) of this section and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the ~~director~~. Community Development Director or his/her designee.
- C. *Setback and display requirements.*
1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city or state right-of-way.
  2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.
  3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
  4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.
  5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.4))

### **Sec. 4.3.5. Temporary outdoor sales or events.**

Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

- A. *Use regulations.* Temporary outdoor sales or events shall be governed by the following regulations:
  - 1. Site conditions.
    - a. Employees shall be uniformed and identified.
    - b. Security or off-duty police officers shall be on-site during operating hours.
    - c. Portable toilets or access to bathrooms shall be provided.
    - d. Approval from the property owner.
    - e. Traffic Control Plan must be approved by the fire marshal's office.
  - 2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.
- B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.
- C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the ~~director of planning~~ **Community Development Director or his/her designee.**

(Ord. of 8-2-2017, § 1(4.3.5); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

### **Sec. 4.3.6. Yard sales.**

- A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.
- B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.
  - 1. Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.
  - 2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.6))

### **Sec. 4.3.7. Temporary buildings, use and construction of.**

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:

- (1) For caretaker's residence in the industrial districts;
- (2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or
- (3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.

Such temporary buildings shall be sited and permitted in any district upon approval of the ~~director of planning~~ **Community Development Director or his/her designee** through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.

(Ord. of 8-2-2017, § 1(4.3.7))

## **ARTICLE 5. SITE DESIGN AND BUILDING FORM STANDARDS**

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in article 2 of this chapter, zoning districts, and chapter 14, land development.

(Ord. of 8-2-2017, art. 5)

### ***DIVISION 1. BLOCK AND LOT REQUIREMENTS***

#### **Sec. 5.1.1. Blocks.**

A. *Intent.* The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:

1. Provision of building sites suitable to the special needs of:
  - a. The building form contemplated;
  - b. The conservation of open space; and/or
  - c. Existing historic features.
2. Zoning requirements for lot sizes and dimensions;
3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles;
4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion;
5. Connectivity standards in section 5.3.2.

B. *Block length.*

1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be 200 to 300 linear feet.

2. The maximum block length for new subdivisions in the Suburban Neighborhood character area is 600 linear feet.

C. *Blocks and pedestrian access.* If a new development provides for a path with an easement through a block:

1. An easement for pedestrian use only shall be at least five feet wide.
2. An easement for pedestrian and bicycle use shall be at least ten feet wide.

(Ord. of 8-2-2017, § 1(5.1.1); Ord. No. 2021-06-03, § 1(Exh. A, § BB), 8-23-2021)

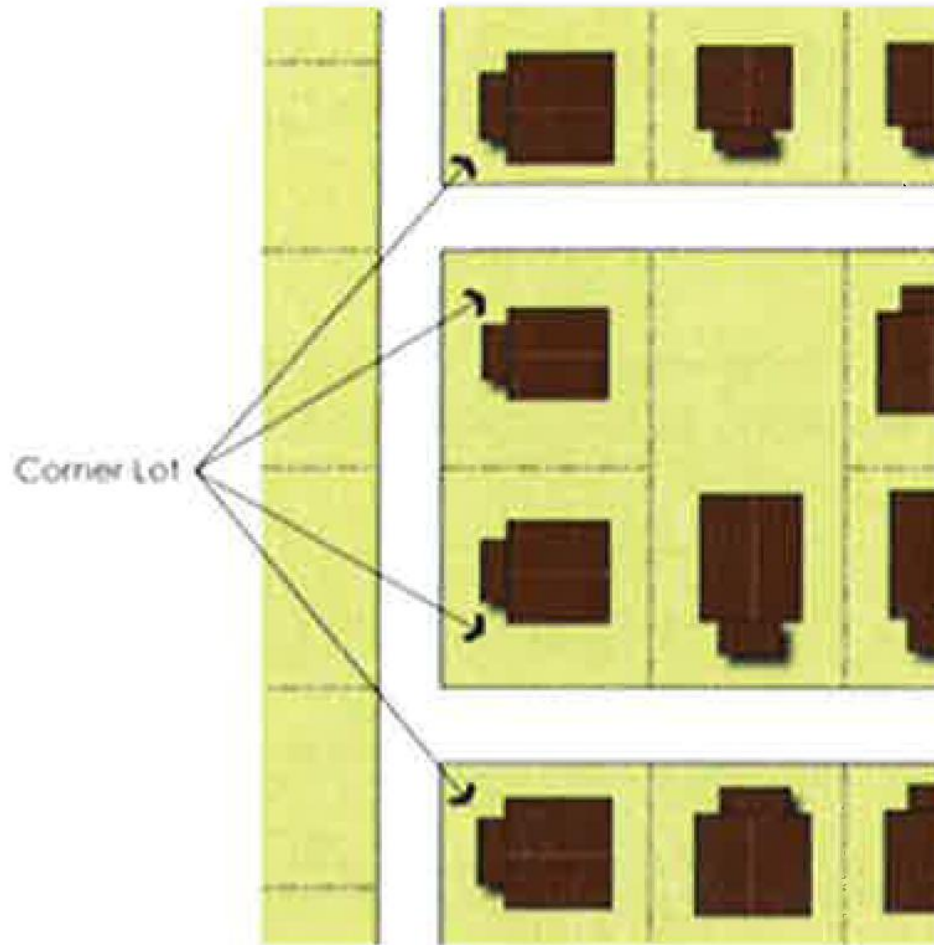
### **Sec. 5.1.2. Lots.**

All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

(Ord. of 8-2-2017, § 1(5.1.2))

### **Sec. 5.1.3. Lots, access.**

Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than 100 feet shall have driveway access via shared driveways.



(Ord. of 8-2-2017, § 1(5.1.3))

#### **Sec. 5.1.4. Lots, corner.**

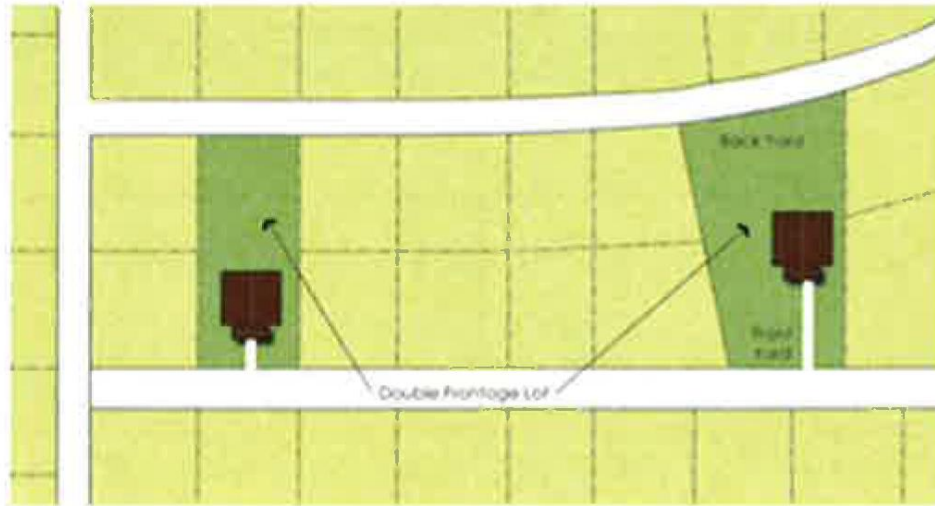
- A. *Front yard building setback.* On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.
- B. *Side corner yard.* Once the front of a corner lot is determined pursuant to subsection A. of this section, the remaining side adjacent to a street is the side corner yard.
- C. *Side corner yard building setback.* The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2 of this chapter. Unless otherwise restricted, buildings may face either the front or side corner.
- D. *Lot width.* The minimum width of corner lots with residential uses shall be increased by 15 feet above the minimum width required for the zoning district in which the lot is located.
- E. *Side corner yard for nonconforming residential.* The side corner yard building setback in residential districts may be reduced to 60 percent of the minimum front yard building setback in the zoning district if:



1. The lot is a legal nonconforming lot; and
2. The lot does not abut a thoroughfare.

(Ord. of 8-2-2017, § 1(5.1.4))

#### **Sec. 5.1.5. Lots, double frontage.**



Double Frontage Lot

- A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.
- B. For the purposes of front yard regulations, there shall be only one front yard designated, depending on which street the front of the house is built to face.
- C. Driveway access on double frontage lots shall be limited to one street only. A ten-foot, no-access easement shall be provided along the frontage of the street not used for a driveway.

(Ord. of 8-2-2017, § 1(5.1.5))

#### **Sec. 5.1.6. Every use must be upon a lot of record.**

No building or structure shall be erected and no use shall be established unless upon a lot of record.

(Ord. of 8-2-2017, § 1(5.1.6))

#### **Sec. 5.1.7. Buildings on single-family and duplex lots.**

On all single-family detached and two-family residential lots, only one principal building, together with its permitted accessory structures and uses, shall occupy each lot.

(Ord. of 8-2-2017, § 1(5.1.7))

**Sec. 5.1.8. Multiple principal buildings on a lot.**

Multiple principal buildings with nonresidential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of this article 5 and this chapter are met.

(Ord. of 8-2-2017, § 1(5.1.8))

**Sec. 5.1.9. Minimum lot size and minimum lot width.**

- A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2 of this chapter, except as otherwise provided in article 8 of this chapter.
- B. Flag lots are prohibited.

(Ord. of 8-2-2017, § 1(5.1.9))

**Sec. 5.1.10. Maximum lot coverage.**

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of 15 percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

(Ord. of 8-2-2017, § 1(5.1.10))

**Sec. 5.1.11. Street frontage for lots.**

All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

(Ord. of 8-2-2017, § 1(5.1.11))

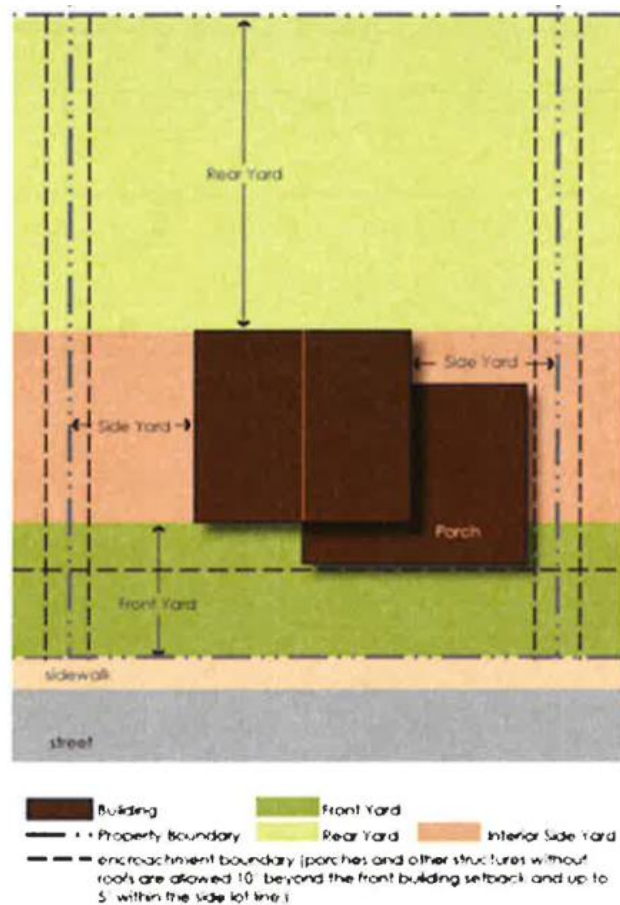
**Sec. 5.1.12. Lots served by wells and septic tanks; sewer and water connections.**

- A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on the lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.
- B. Sewer and water facilities and connections shall be approved by the ~~director of planning~~ Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(5.1.12))

***DIVISION 2. GENERAL YARD AND MEASUREMENT PROVISIONS***

### Sec. 5.2.1. Minimum required yards and building setbacks.



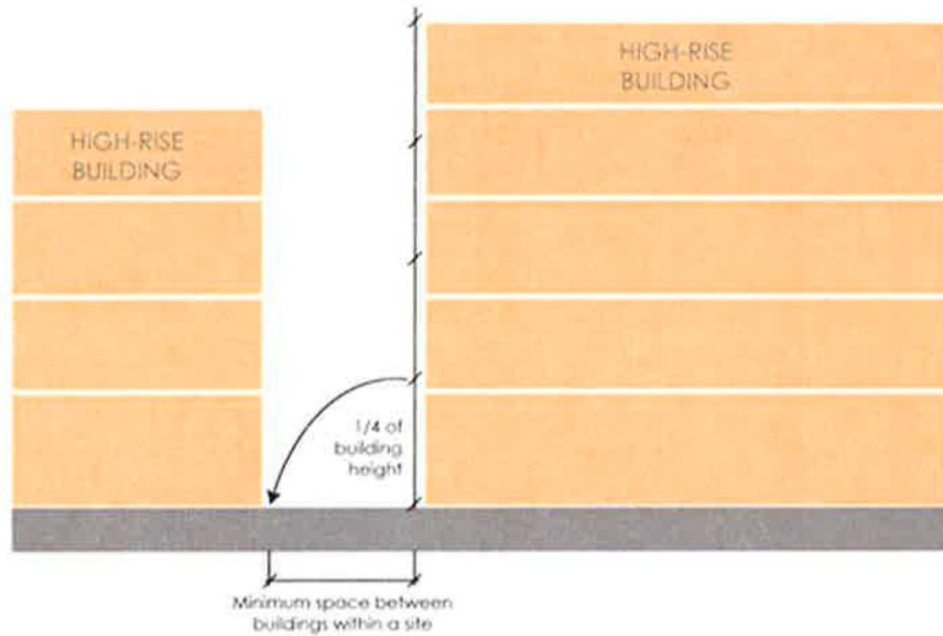
#### Projections into Yards

##### A. *Projections into yards.*

1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required yard and do not encroach on other lots or rights-of-way.
2. An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any lot line.
3. Enclosed porches may encroach for a distance of up to eight feet into the front or rear yard, but shall be no closer than five feet from the side property line.

##### B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:

1. Building shall be separated a distance as required by the International Codes Council (ICC).



High-rise multifamily spacing

- C. *Setback averaging.* When a vacant lot located in a zoning district authorized for single-family detached dwellings is proposed for development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply. Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same blockface. Where application of setback averaging would require that the proposed dwelling be located closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied. Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement. If the actual front setbacks of the existing dwellings on the adjacent lots on the same blockface as the vacant lot differ from each other by more than 30 feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

(Ord. of 8-2-2017, § 1(5.1.1); Ord. No. 2021-06-03, § 1(Exh. A, §§ U, CC), 8-23-2021)

### Sec. 5.2.2. Minimum floor area per dwelling unit.

- A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2 of this chapter.
- B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2 of this chapter.

(Ord. of 8-2-2017, § 1(5.1.2))

### Sec. 5.2.3. Compatibility of new and existing subdivisions.

- A. Lot size variability. Lots created as part of a new or redeveloped single-family detached subdivision, containing 20 or more lots, shall be compatible with existing developed single-family lots to which they are adjacent as described in subsection B. of this section.
- B. Compatibility of new lots with adjacent lots shall be demonstrated by at least two of the following:
  1. The lot width of the new lot is at least 80 percent of the lot width of an adjacent existing subdivision lot;
  2. The lot size of the new lot is at least 80 percent of the lot size of an adjacent existing subdivision lot or eight-tenths of an acre, whichever is less;
  3. The new lot provides a minimum transitional buffer of 20 feet;
  4. The lot depth of the new lot is at least 20 feet deeper than the depth of the adjacent existing lot.
- C. Calculations for measuring compatibility:
  1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.



Perimeter Lot Diagram

(Ord. of 8-2-2017, § 1(5.1.3))

### Sec. 5.2.4. Transitional height plane.

A transitional height plane shall apply to commercial or multifamily buildings that is either:

- (1) Adjacent to; or
- (2) Separated by a street with a width of 50 feet or less from any property zoned RE, RLG, R-60, R-75, R-85, R-100, MHP, RNC or RSM.

No portion of a commercial or multifamily structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point 35 feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of 45 degrees over the lot of the commercial or multifamily building.



Transitional Height Plane Diagram

(Ord. of 8-2-2017, § 1(5.1.4))

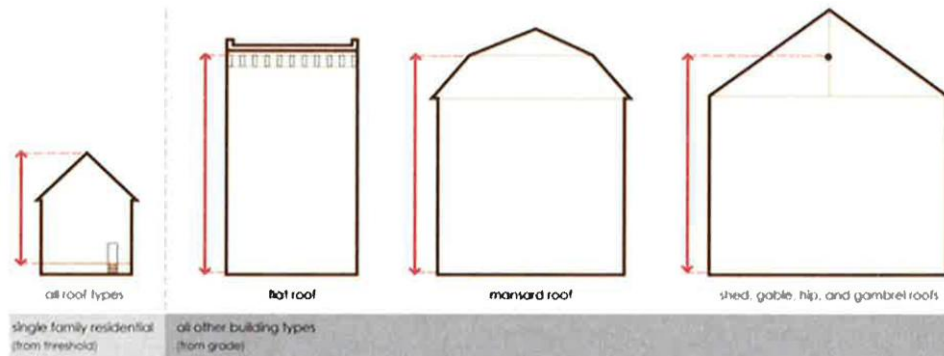
### Sec. 5.2.5. Height measurement requirements and thresholds.

- A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.
- B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.
- C. Reserved.
- D. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:
  1. *Replacement of a single-family detached dwelling.* If new construction of a single-family detached dwelling would require alteration or eradication of the threshold of a previously existing residential structure, the proposed front door threshold elevation for the new single-family detached dwelling shall not be more than two feet higher than the front door threshold elevation of the previously existing residential structure, which shall be measured and certified by a licensed surveyor or engineer.
  2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.
  3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections



to county sewer, the ~~director of planning~~ **Community Development Director or his/her designee** may grant an administrative variance to allow the threshold height to be up to five feet above the threshold of the previously existing residence in order to allow for gravity flow into the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 7 of this chapter.

4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the ~~director of planning~~ **Community Development Director or his/her designee** may grant an administrative variance to allow the threshold to be up to three feet above the threshold of the previously existing house.



*Building Height Measurement*

E. Height requirements.

1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.
2. The height limitations established in this chapter shall not apply to the following:
  - a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.
  - b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located.
  - c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.57.
  - d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection E.2.a. of this section and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.
  - e. When an undeveloped single-family lot is located within a platted subdivision in which at least 60 percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection E.(1) of this section, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.
  - f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six feet in height measured from top of roof adjacent to such structure.

(Ord. of 8-2-2017, § 1(5.1.5))

### ***DIVISION 3. SUPPLEMENTAL STREET REGULATIONS AND TRAFFIC IMPACT***

#### **Sec. 5.3.1. Design standards by street type.**

Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in section 5.7.6 of this chapter.

(Ord. of 8-2-2017, § 1(5.3.1))

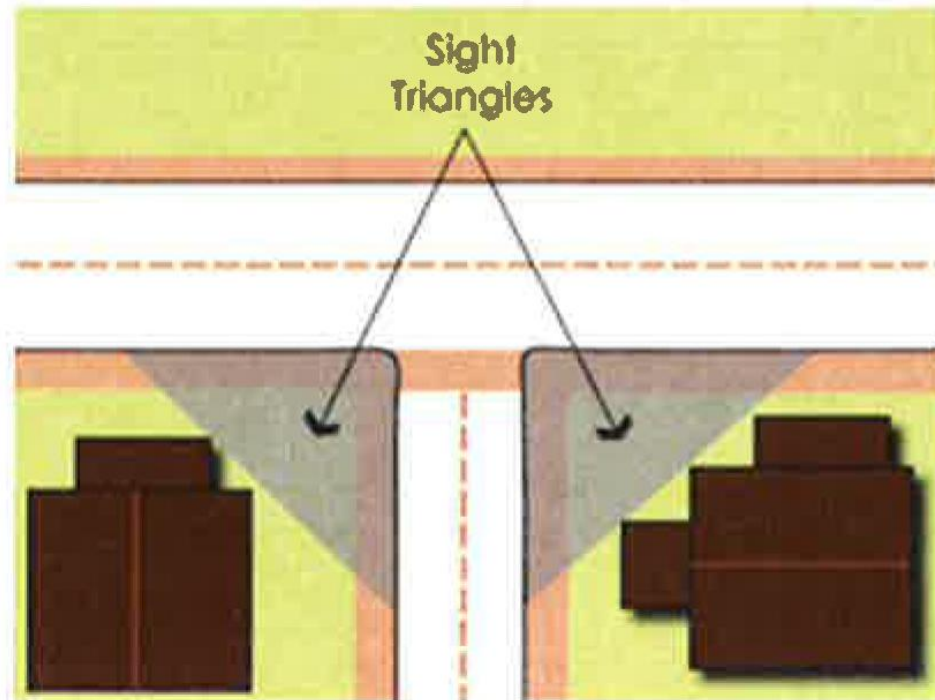
#### **Sec. 5.3.2. Street connectivity.**

- A. *Connectivity measures.* New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.
- B. *Pedestrian connectivity.* Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.
- C. *Small area transportation plan conformity.* New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.
- D. *Waivers.* The requirements of subsections A. and B. of this section may be waived by the ~~director of planning~~ in accordance with article 7 of this chapter and as provided below:
  - 1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments and or divisions impede compliance.
  - 2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

(Ord. of 8-2-2017, § 1(5.3.2))



### Sec. 5.3.3. Sight visibility triangles.



Sight Triangles

- A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Officials' (AASHTO's) A Policy of Geometric Design of Highways and Streets, current edition.
- B. For the purposes of this section, obstructions shall be prohibited if any part thereof is more than 30 inches and less than eight feet above local streets and driveways, or more than 30 inches and less than 12 feet above any street classified as collector or higher.
- C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

(Ord. of 8-2-2017, § 1(5.3.3))

### Sec. 5.3.4. Traffic impact study.

A traffic impact study, the scope of which shall be determined by the ~~director of the planning department~~ **Community Development Director or his/her designee** or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

- A. Multifamily development with over 300 new units at build-out;

- B. Single-family developments with over 200 new lots or units at build-out;
- C. Retail developments with over 125,000 gross square feet (GSF);
- D. Office developments with over 200,000 GSF;
- E. Medical office developments with over 55,000 GSF;
- F. Industrial/warehouse developments with over 280,000 GSF, employing more than 650 workers, or covering more than 200 acres;
- G. Any mixed-use development which could reasonably expect to generate 2,000 or more gross daily trips; or
- H. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

(Ord. of 8-2-2017, § 1(5.3.4))

#### **Sec. 5.3.5. Traffic calming features.**

New subdivisions may provide a traffic calming structure for every 500 feet of road length. Traffic calming structures, curves and other traffic calming features are subject to the approval of ~~director of the planning department, or his designee~~ **Community Development Director or his/her designee**, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

(Ord. of 8-2-2017, § 1(5.3.5))

### ***DIVISION 4. STREETScape AND LANDSCAPING REQUIREMENTS***

#### **Sec. 5.4.1. Purpose and intent.**

The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

- A. Provide buffering between non-compatible land uses.
- B. Protect, preserve, and promote aesthetic appeal and scenic beauty.
- C. Reduce noise pollution and air pollution.
- D. Reduce stormwater run-off, erosion and degradation of water quality.
- E. Filter and reduce glare from artificial light sources.
- F. Provide shaded areas along streets and in parking areas.
- G. Reduce solar heat islands.

(Ord. of 8-2-2017, § 1(5.4.1))

### Sec. 5.4.2. Applicability.

- A. *New developments, principal building or use.* The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.
- B. *Change of use, expansions or reconstruction.* Where a change of use, expansion to, or reconstruction of an existing building or site improvements (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.
- C. *Publicly-owned buildings.* To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

(Ord. of 8-2-2017, § 1(5.4.2))

### Sec. 5.4.3. Streetscape elements and dimensions.

All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

#### A. *Streetscape dimensions and placement.*

##### 1. *New streets.*

- a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.
- b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.
- c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.
- d. *Landscape strips.*
  - i. Landscape strips shall be located between the curb and the sidewalk.
  - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.
  - iii. See subsection C. of this section for planting and materials requirements.
  - iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.
- e. *Supplemental zone.* New streetscape zones in nonresidential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee**. See subsection D. of this section.

##### (2) *Improvements on existing streets.*

- a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.
  - b. *Streetscape zone elements for existing streets.*
    - i. The streetscape zone for existing streets shall consist of a minimum of 11 feet along the existing shoulder, as indicated in Table 5.1.
    - ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.
  - c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the ~~director of the planning department or his designee~~ , **Community Development Director or his/her designee** based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.
  - d. *Landscape strips.*
    - i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.
    - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.
    - iii. See subsection C. of this section for planting and materials requirements.
    - iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.
  - e. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.
  - f. *Administrative variance.* The ~~director of planning~~ **Community Development Director or his/her designee** shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 7 of this chapter based on a finding that the requirement of the subsection A.2. of this section would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to,
    - i. Inadequate right-of-way;
    - ii. Conflicting standards between this section and GDOT design standards;
    - iii. Unique topographic or subsurface conditions;
    - iv. Need to relocate existing utilities.
- B. *Sidewalks and interior walks.*
1. Sidewalks shall be paved in concrete and paver accents approved by the ~~director of planning~~ **Community Development Director or his/her designee** and kept clear and unobstructed for the safe and convenient use of pedestrians.
  2. Sidewalks shall adhere to ADA guidelines.

3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.
4. Where newly constructed sidewalks abut existing sidewalks, the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalks. Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.
5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three feet.

C. *Landscape strip materials and maintenance.*

1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.
2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the ~~director of planning~~ Community Development Director or his/her designee and kept clear and unobstructed for the safe and convenient use of pedestrians.
3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.
4. *Maintenance.* Required landscape strips shall be established and maintained by the owners. Topping of canopy trees is prohibited.
5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.
6. *Planting specifications, all trees.*
  - a. Planting areas for trees shall contain a minimum depth of 12 inches of screened topsoil. Below 12 inches the soil shall be uncompacted to a depth sufficient to allow proper drainage and root growth.
  - b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.
  - c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.
7. *Street trees.*
  - a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the ~~director of planning~~ Community Development Director or his/her designee.
  - b. Street trees shall be provided with spacing as depicted in Table 5.1.
  - c. Street trees shall not be planted closer than 20 feet from the curb line of intersecting streets and not closer than ten feet from intersecting lines of alleys or private drives.

- d. Street trees shall not be planted closer than 12 feet from light standards. No new light standard location shall be positioned closer than ten feet to any existing street tree.
- e. Street trees shall not be planted closer than 2½ feet from the back of the curb.
- f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.
- g. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above driveways and roadway surfaces.
- h. Street trees shall be a minimum of two-inch caliper measured at six feet above ground level at the time of planting and shall have a mature height of at least 25 feet.
- i. Street trees shall be planted in a mulched area of at least 25 square feet.

D. *Supplemental zone.*

- 1. In supplemental zones in commercial areas where building setbacks are 15 feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.
- 2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.

E. *Street lighting.* Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the ~~director of the planning department~~ **Community Development Director or his/her designee or his designee**. Lighting shall be installed by local power company employees or contractors.

F. *Administrative variance.* An administrative variance to streetscape standards may be granted by the ~~director of planning~~ **Community Development Director or his/her designee** for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

Table 5.1. Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	22'	6'	6'	10'	80'	50'
Arterial and Collector Nonresidential and Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers
Existing Streets						

Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Nonresidential and Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers

\* Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.



Streetscape Figure—Local Streets, Single-family Residential Districts



Streetscape Figure—Local Streets, all Other Districts



Streetscape Figure—Arterial and Collector Streets

(Ord. of 8-2-2017, § 1(5.4.3))

#### Sec. 5.4.4. Site and parking area landscaping.

- A. *Single-family residential lots.* Each single-family residential lot on which new development occurs shall be planted with a minimum of three new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.
- B. *Interior strips.* Interior to nonresidential, mixed-use and multifamily developments, three-foot-wide planted landscape strips shall be required along all interior drives and pedestrian paths.
- C. *Property perimeter landscape strip.* Along nonresidential, mixed-use and multifamily development perimeter lot lines, a perimeter landscape strip shall be required, as follows:
  1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.
  2. A perimeter landscape strip shall include one overstory deciduous shade tree, or three understory or three evergreen trees, for every 50 linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.
  3. A perimeter landscape strip is not required where a transitional buffer is also required.
- D. *Parking area landscaping.* All surface parking lots that contain a total of 15 or more parking spaces that are constructed or redeveloped subsequent to the effective date of the ordinance from which this chapter is derived shall comply with the following requirements:
  1. A minimum of ten percent of the total lot area of the parking lot shall be landscaped.
  2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.
    - a. Barrier curbs shall be a minimum of six inches in height and six inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.
  3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three feet in height shall be required between surface parking and an adjacent public street right-of-way.



4. Tree and island quantity. A minimum of one tree per eight parking spaces, and one island per ten parking spaces, shall be provided.
5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of 250 square feet.
6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.
7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of 30 inches, except where such shrubs are screening the parking surface from an adjacent residential area.
8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six inches above ground level, shall be a minimum of ten feet in height at planting, shall have a 30-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least 30 inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of 75 percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.
9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within 12 months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(5.4.4))

#### **Sec. 5.4.5. Transitional buffers.**

- A. *Intent.* Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.
- B. *General requirements.* Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:
  1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
  2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
  3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
  4. Notwithstanding subsection B.3. of this section, if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than 20 percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

5. Any approved utility crossings shall be perpendicular to the transitional buffer.
  6. A pedestrian walkway, a maximum width of five feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
  7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot-high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.
- C. *Buffer planting and materials.* When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:
1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six feet at the time of planting and planted in a minimum of two rows, with staggered on center spacing such that a continuous opaque screen is created within two years of planting.
  2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.
  3. *Plant functions.* Plants shall be approved from a list made available from the planning **and zoning department division**, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.
  4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.
  5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.
- D. *Buffer dimensions and specifications.* Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b) summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a). Transitional Buffer Class by District

Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
<i>Mixed Residential Districts</i>												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
<i>Mixed-Use Districts</i>												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-

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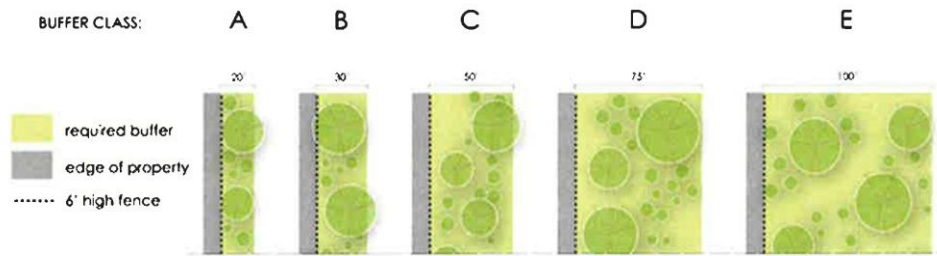
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
<i>Nonresidential Districts</i>												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-
OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

\* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached).

\*\* Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b). Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	Width
A	20'
B	30'
C	50'
D	75'
E	100' with fence



Transitional Buffers Figure

(Ord. of 8-2-2017, § 1(5.4.5))

#### Sec. 5.4.6. Screening.

Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least 75 percent evergreen, with a minimum of two rows of plants, and shall grow to a height of six feet in two years.

- A. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.

- B. *Trash and recycling areas.* All dumpsters must be screened from view on all four sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- C. *Parking decks.* All parking decks and aboveground parking structures shall have a six-foot-wide landscape strip immediately contiguous to the facade of the parking deck or structure, unless otherwise screened from view by an intervening building.
- D. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.
- E. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities designed as open space amenities may be approved by the ~~director of planning~~ **Community Development Director or his/her designee** and in compliance with division 5 of this article. A detention facility located in an historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.
- F. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

(Ord. of 8-2-2017, § 1(5.4.6))

#### **Sec. 5.4.7. Walls, fences, and retaining walls.**

- A. General.
  - 1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
  - 2. No wall or fence shall be constructed in any public right-of-way.
  - 3. See Table 5.3, Fence and Wall Standards for additional requirements.
- B. Single-family residential standards.
  - 1. Fences or free-standing walls constructed in a front yard shall not exceed four feet in height.
  - 2. No freestanding wall or fence, other than a retaining wall, shall be more than eight feet high from finished grade.
  - 3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.
  - 4. Retaining walls on lots developed with single-family dwellings shall abide by the following:
    - (1) The entire wall structure, including footer, shall not encroach on adjacent property;
    - (2) Drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes; and
    - (3) A construction/maintenance easement shall be obtained from the adjoining property owner, if applicable.

Newly constructed retaining walls shall not be higher than four feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.

- a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the ~~director of planning~~ **Community Development Director or his/her designee** that no practical alternative design of such wall is feasible, then the ~~director of planning~~ **Community Development Director or his/her designee** may, upon application therefor, grant an administrative variance allowing up to two additional feet in the applicable retaining wall maximum height limitation set forth in this subsection B.4 of this section. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.
  - b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight feet. In addition to the materials otherwise required for a variance in division 5 of article 7 of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.
- C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within 15 feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.
- D. Material composition.
1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
  2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.
- E. Security gates. Entrance gates for vehicles shall be located at least 50 feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
- F. Temporary fencing may be erected during construction for security and public safety purposes.
- G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.
- H. No freestanding wall or fence in a multifamily, nonresidential or mixed use zoning district may be more than ten feet in height.

Table 5.3. Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed
Single-family fences in the front yard	Up to four feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.

Single-family fences in side or rear yards	Up to eight feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight feet in height.
Single-family retaining walls	Up to four feet from finished or street grade. Cannot exceed eight feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four to six feet based on topography.
Single-family and Multifamily identification monument walls	In front yard, cannot exceed ten feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Nonresidential, multifamily and mixed-use zoning districts	Up to ten feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

(Ord. of 8-2-2017, § 1(5.4.7))

## *DIVISION 5. OPEN SPACE STANDARDS*

### **Sec. 5.5.1. Applicability.**

- A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the ~~director of planning~~ **Community Development Director or his/her designee.**
- B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five acres or less than 36 residences.
- C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.
- D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.
- E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

(Ord. of 8-2-2017, § 1(5.5.1))

### Sec. 5.5.2. Maintenance, management and ownership.

- A. *Ownership and management of open space*. Open space shall be owned by one of the following entities, which shall be responsible for maintenance and management as described herein:
1. *City of Stonecrest*.
    - a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this division.
    - b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.
  2. *Land conservancy or land trust*. The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.
  3. *Homeowners or property owners association*. A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The Homeowners or property owners association organizational documents must first be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** for review to ensure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.
  4. *Recording of open space*. Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.
- B. *Maintenance of open space*.
1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state of the open space as approved by the ~~director of planning~~ **Community Development Director or his/her designee**. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.
  2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.
  3. Permitted elements as described in Table 5.6 shall be maintained in good repair.
  4. New landscaping in required open space shall be maintained such that planted materials that die within one year of the installation, shall be replaced within six months or the next appropriate planting season as determined by the city arborist.

(Ord. of 8-2-2017, § 1(5.5.2))

### Sec. 5.5.3. Standards and design.



Open Space and Enhanced Open Space Calculations

- A. Required open space shall meet the standards of Table 5.4, Enhanced Open Space: Minimum Requirements.
- B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.
- C. Prior to issuance of a land disturbance permit or building permit:
  1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the ~~director of planning~~ **Community Development Director or his/her designee**. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.
  2. A development project with residential uses not within one-half mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.
  3. For development projects with residential uses within one-half mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park shall meet with the planning **and zoning department division** to determine whether any reasonable spur connection would be possible.
    - a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.



- b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.
- D. *Enhanced open space.* Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Tables 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.
- E. *Open space and enhanced open space standards.*
1. Required open space shall conform to the zoning district requirements in article 2 of this chapter. Where Table 5.4 conflicts with article 2 of this chapter, article 2 shall prevail. Open space and enhanced open space design within an historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.
  2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.
  3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.
  4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.
  5. Below ground utilities or facilities may be located in the open space area.
  6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.
  7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.
  8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the ~~director of planning~~. **Community Development Director or his/her designee.**
- F. *Residential lots and yards.* No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4. Enhanced Open Space: Minimum Requirements

Total and Enhanced Open Space: Minimum Requirements								
	SF-RES Cottage	SF-RES Attached or Detached	Mobile Home Parks	Multifamily	Mixed- Use	Commercial/Retail	Large Retail	

Open space minimum required percent of total square footage of the development	See section 5.7.5	20 percent	10 percent	See specific zoning district	See specific zoning district	15 percent	20 percent
Enhanced open space minimum required percent	3,000 sq. ft. minimum. See section 5.8.4.	Minimum 50 percent of total open space	Minimum 25 percent of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50 percent of total open space

G. *Enhanced open space standards and types.*

- Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
- Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowner association in a form approved by the City of Stonecrest.
- Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
- Elements shown under the Permitted Elements column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the ~~director of planning~~ **Community Development Director or his/her designee** if they are consistent with the enhanced open space type.
- Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.
- Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.




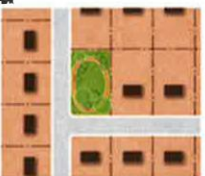

Table 5.5. Enhanced Open Space Types with Minimum Size





Enhanced Open Space Dimensional Standards	
Enhanced Open Space Types	Minimum Size (sq. ft.)

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(Supp. No. 4)

Clubhouse*/pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
 <p>Clubhouse/Pool or Tennis Amenity Area</p>	Clubhouses and swimming pools must meet all applicable building and health codes.	Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts	Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement
 <p>Green</p>	A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.	Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)	Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green
 <p>Greenway</p>	Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.	Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other	Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space
 <p>Pocket Park</p>	A pocket park is a small outdoor space, usually no more than 1/4 of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.	Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)	Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents
 <p>Neighborhood Park</p>	A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.	Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks	Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
	<p>Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g. lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.</p>	<p>Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)</p>	<p>Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space</p>
	<p>A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).</p>	<p>Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains</p>	<p>Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way</p>
	<p>Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.</p>	<p>Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art</p>	<p>Shall be square or rectangular with a length of not less than 1.5 of its width Shall be level, stepped or gently sloping</p>
	<p>A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.</p>	<p>Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles</p>	<p>Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act</p>

- H. *Phasing provisions.* If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:
1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
  2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.
- I. *Conservation or water quality.*
1. No more than 50 percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
  2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.
- J. *Prohibited uses of open space.* The following shall not be considered when calculating open space:
1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
  2. Private yards that are not subject to an open space or conservation easement.
  3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

(Ord. of 8-2-2017, § 1(5.5.3))

## ***DIVISION 6. SUPPLEMENTAL SITE IMPROVEMENTS***

### **Sec. 5.6.1. Outdoor lighting.**

Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas, such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three acres or more and for community recreation that proposes to use outdoor lighting.

**A. *Exceptions.*** This section shall not apply to the following:

1. Lighting established by a governmental authority within public rights-of-way.
2. Lighting activated by motion sensor.
3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
4. Security lighting less than two average footcandles.
5. Sites requiring fewer than five lighting fixtures.
6. In subsections A. 1. through A.5. of this section, lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.

**B. *All lighting fixtures.***

1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of 4½ footcandles of light output throughout the parking area. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
5. The minimum mounting height for a pole is 12 feet. The maximum mounting height for a pole is 25 feet, excluding a three-foot base.

**C. *Lighting plans.*** Lighting plans shall include the following:

1. The location and mounting information for each light.
2. Illumination calculations showing light levels in footcandles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.

4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.
5. An illumination summary including the minimum average and maximum footcandle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7. Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Nonresidential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

(Ord. of 8-2-2017, § 1(5.6.1))

**Sec. 5.6.2. Stormwater detention facilities.**

Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

(Ord. of 8-2-2017, § 1(5.6.2))

***DIVISION 7. BUILDING FORM AND CONFIGURATION STANDARDS*****Sec. 5.7.1. Application of standards.**

- A. This division establishes standards for the form and configuration for the following building types:
  1. Detached and attached houses;
  2. Multifamily;
  3. Live/work; and
  4. Nonresidential except industrial use buildings.
- B. Compliance review. Review of proposed development to ensure compliance with the standards of division 7 shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.

- C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 8 of this chapter regarding nonconformities.

(Ord. of 8-2-2017, § 1(5.7.1))

### **Sec. 5.7.2. Exemptions and variances.**

- A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division 7.
- B. New residential infill.
1. Modification of building form. Article 7 of this chapter provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.
  2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the ~~director of planning~~ **Community Development Director or his/her designee** for an administrative waiver from the building form standards in accordance with article 7 of this chapter.

(Ord. of 8-2-2017, § 1(5.7.2))

### **Sec. 5.7.3. Conflict with other standards and review.**

- A. *Conflict with overlay standards.* In the event the standards of this division conflict with the overlay district standards in article 3 of this chapter, as determined by the ~~director of planning~~ **Community Development Director or his/her designee**, the standards in article 3 of this chapter shall prevail.
- B. *Conflict with other provisions in the zoning code.* In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the ~~director of planning~~ **Community Development Director or his/her designee** shall prevail.
- C. *Conflict with other city standards.* In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the ~~director of planning~~ **Community Development Director or his/her designee** this division shall prevail.

(Ord. of 8-2-2017, § 1(5.7.3))

### **Sec. 5.7.4. Materials.**

- A. *Exterior building materials.*
1. Except for exempted buildings described in subsection A.5. of this section, exterior wall materials of primary buildings shall consist of any of the following types:
    - a. Brick masonry;
    - b. Stone masonry;
    - c. Cement wood or fiber cement siding, including simulated half-timbering;
    - d. Hard coat stucco;
    - e. Cedar shingles or fiber cement;



- f. Textured face concrete block;
  - g. Architectural concrete;
  - h. Precast or tilt-up panel (for industrial buildings only);
  - i. Glass;
  - j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the ~~director of planning~~ **Community Development Director or his/her designee** on a case-by-case basis; and/or
  - k. Architectural accent materials as approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
2. Exterior building material requirements do not preclude solar panel installation on building roofs.
3. The following materials may be used as secondary building material or siding, up to 40 percent of total facing:
  - a. Standing seam or corrugated metal siding;
  - b. Exterior insulation and finish system (EIFS). If within three feet of grade or within six feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
  - c. Vinyl siding and other polymeric siding provided the siding shall:
    1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
    2. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency;
    3. Have a minimum thickness of 0.046 inches;
    4. Have panel projections of no less than five-eighths-inch for clapboard and Dutch lap styles;
    5. Have double (rolled over) nail hem, up to 0.92-inch nominal thickness strength;
    6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
    7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.
4. The following exterior building materials shall be prohibited on all buildings:
  - a. Plywood;
  - b. Common concrete block;
  - c. Oriented strand board (OSB).
5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3. of this section, provided:

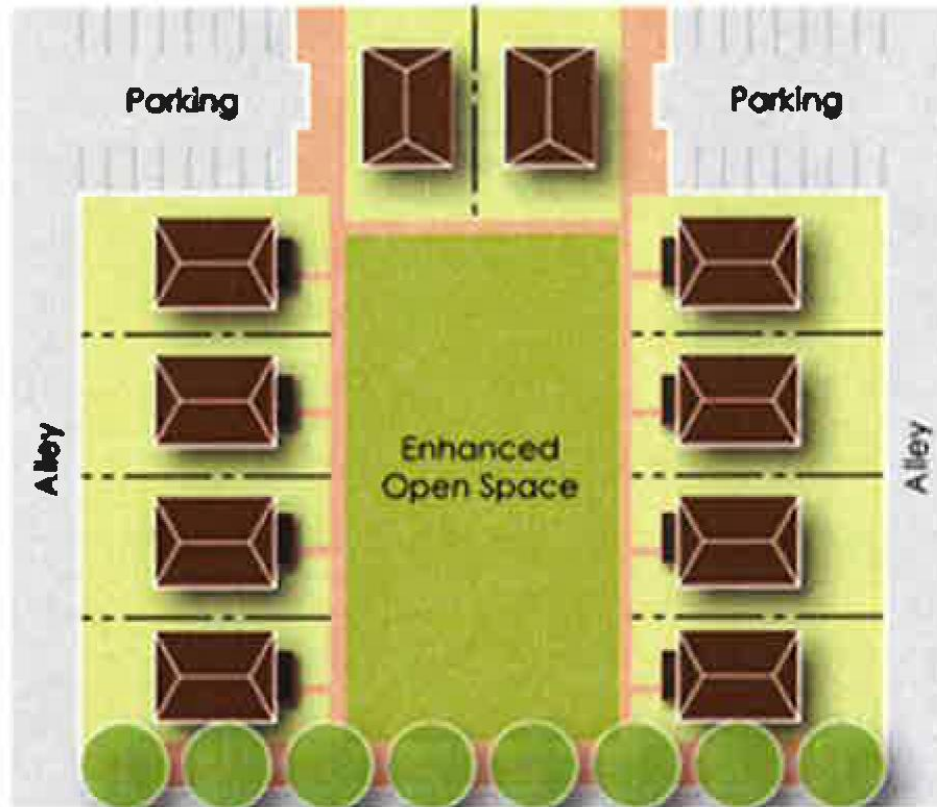


- a. Such structures are located interior to the site with an intervening building facing the street.
  - b. If materials in subsection A.3. of this section are used as primary exterior building materials, at least 30 percent of total facade area shall be brick or stone masonry.
- B. *Arrangement of materials.*
  - 1. Where two or more materials are proposed to be combined on a facade, the heavier and more massive material shall be located below the lighter material.
  - 2. Material changes on a facade shall occur along a continuous horizontal line or where two building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
  - 3. Primary facade materials shall wrap around at outside building corners for at least four feet.
- C. *Roof and accessory structure materials.*
  - 1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for the purposes of building form regulations.
  - 2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structures.

(Ord. of 8-2-2017, § 1(5.7.4))

### **Sec. 5.7.5. Detached houses.**

- A. This section shall apply to the following housing types:
  - 1. *Conventional single-family detached.* A development with one dwelling unit per lot of record with private yards on all four sides.
  - 2. *Single-family cottage.* A development with one or 1½ story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.
  - 3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.
- B. Dimensional and use requirements. Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.



Cottage housing orientation

## C. Orientation.

1. Lots along the perimeter of a development of single-family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a 20-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
2. Single-family cottage lots shall be oriented toward the enhanced open space.
3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development, provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.

## D. Each dwelling unit shall be metered for water individually.

E. An easement for water and sewer shall be required and subject to the approval of the ~~director of planning~~ Community Development Director or his/her designee.

## F. Access driveway, internal private drive and alley standards.

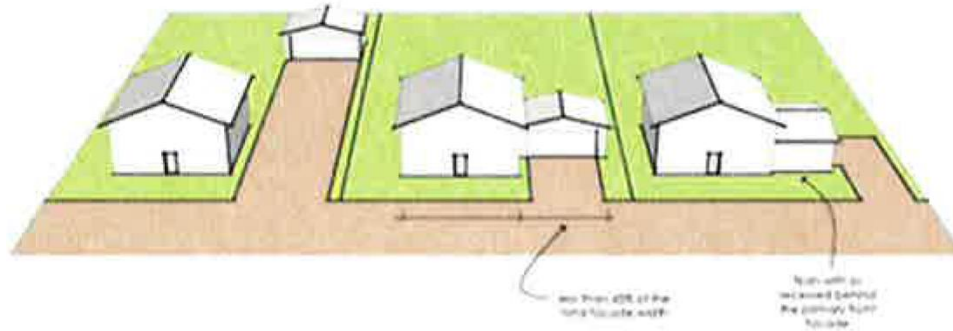
1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than 30 feet of frontage and be located no more than 200 feet from the unit's entrance. The alley shall be at least 20 feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the ~~director~~ Community Development Director or his/her designee for one-way direction only.

2. Single-family detached residences may share a driveway serving two lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten feet of drive.
- G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.7.6C.4.
- H. Driveways shall not exceed ten feet between garage door and sidewalk.
- I. Maximum size.
1. Conventional single-family detached residences shall follow the requirements set forth in article 2 of this chapter.
  2. Single-family cottages shall not exceed a building footprint of 800 square feet and gross floor area of 1,200 square feet.
- J. Architectural variability.
1. Residential subdivisions of three or more lots intended for conventional single-family detached residences shall include distinctly different front facade designs within each phase of the development. The term "distinctly different" shall mean that each front facade must differ from adjacent buildings' front facades in at least four of the following six ways:
    - a. The use of different primary exterior materials;
    - b. Variation in the width or height of the front facade by four feet or more;
    - c. Variation of the type, placement or size of windows and doors on the front facades;
    - d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
    - e. Variation in the location and proportion of front porches; and
    - f. Variation in the location or proportion of garages and garage doors.
  2. No conventional single-family detached residence shall be of the same front facade design as any other conventional single-family detached residence along the same block face within eight lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
  3. No single front facade design may be used for more than 25 percent of the total units of any single phase of a conventional single-family detached residence subdivision.
- K. Porches and stoops. Any porch shall have minimum dimensions of four feet by eight feet for porches, and any stoop shall have minimum dimensions of four feet by four feet. Porches and stoops shall be no closer than two feet from a utility easement.
- L. Facades. Any conventional single-family detached residence with a front facade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front facade plane. Wall offsets shall have a minimum depth or projection of two feet so that no single wall plane exceeds 25 feet in width.
- M. Roof and overhangs. Conventional single-family detached residences shall incorporate the following standards:
1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.
  2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
  3. Overhanging eaves shall extend at least 12 inches beyond the exterior wall.

4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or configured to have a minimal visual impact as seen from an adjacent street.

N. Garages. The following standards shall apply:

1. Street-facing garage facades shall not comprise more than 45 percent of the total width of the conventional single-family detached residence's front facade. Street-facing garages shall be at least two feet behind the primary front facade plane of a conventional single-family detached residence.



Acceptable Garage Configurations

O. Enhanced open space.

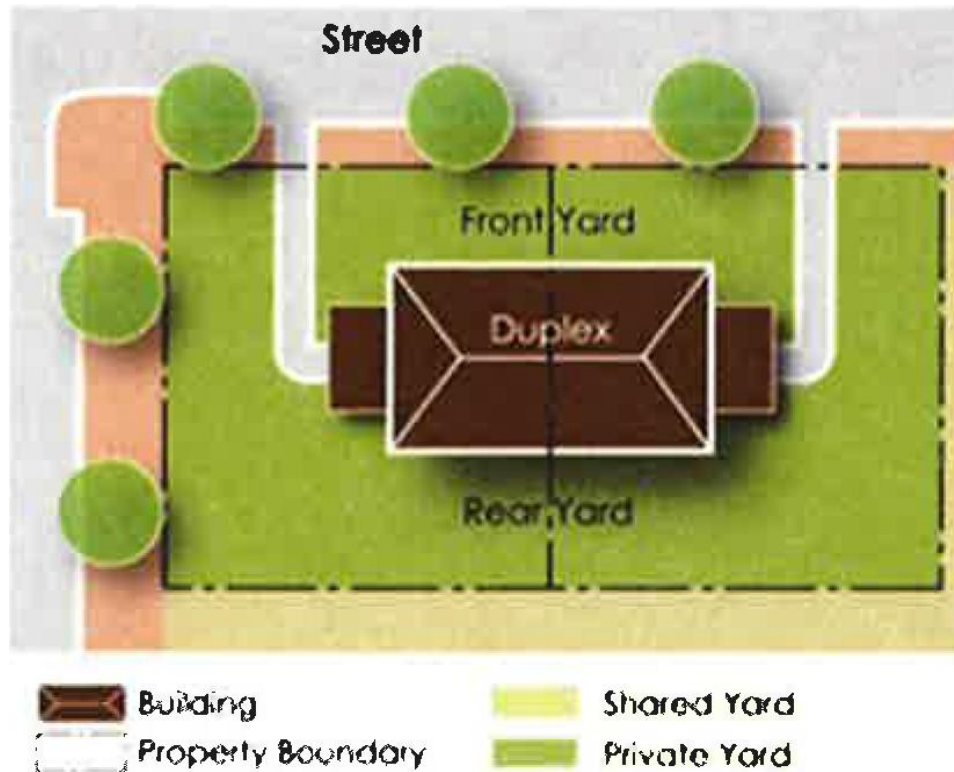
1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2 of this chapter) and the standards of article 5, division 5 of this chapter, open space standards.
2. Cottage residential development enhanced open space.
  - a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of 3,000 square feet or 400 square feet per cottage served by the enhanced open space, whichever is greater.
  - b. The enhanced open space green shall have a minimum dimension of 20 feet on each side.
  - c. At least two sides of the enhanced open space green shall have cottages along its perimeter.

(Ord. of 8-2-2017, § 1(5.7.5))

### Sec. 5.7.6. Single-family attached buildings.

Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

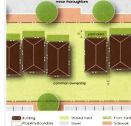
- A. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two or three attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two lots, whereby each unit is located on its own lot.



Single-Family Attached Housing on Two Lots

- B. Fee simple condominium. One or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.
- C. Single-family attached, and townhouse developments shall meet the following standards.
1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.
  2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.

	<p>Traditional Townhouse lot: Townhomes which include yards on the individual property.</p>
<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).</p>	

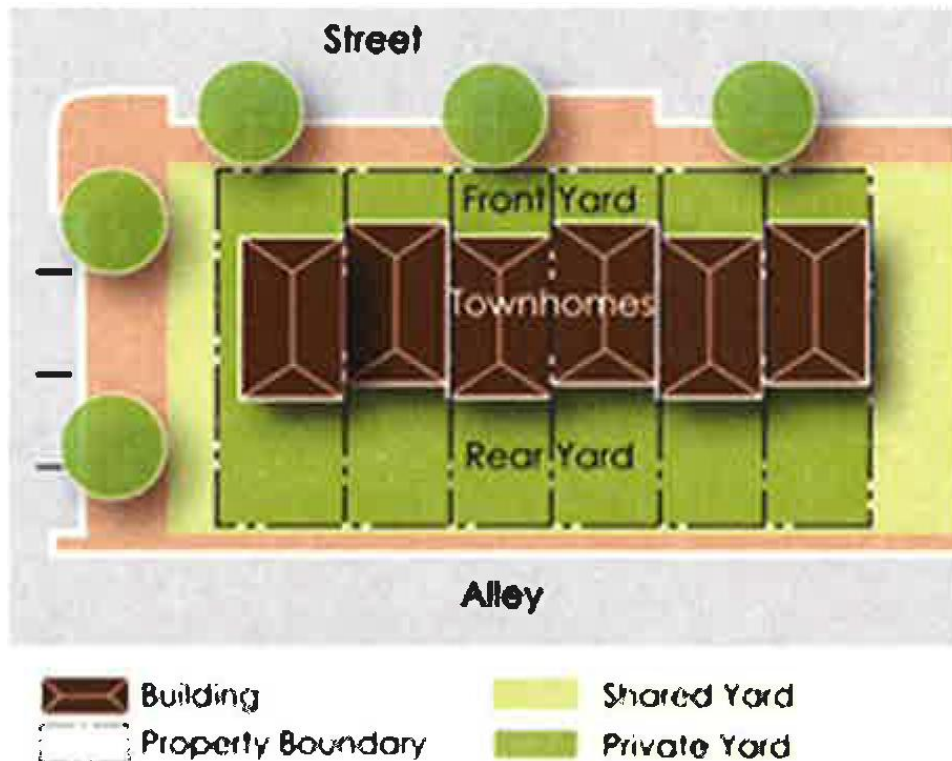
	<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>		<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>
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3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
  - a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.
  - b. Private drives shall have a minimum 22-foot road width measured from back of curb to back of curb.
  - c. Private drives shall have the same base and paving specifications as required for public streets.
  - d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
  - e. Private drives shall be maintained in accordance with chapter 14.
4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street 50 feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than 200 feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
  - a. Alleys shall be at least 12 feet wide, subject to the standards of IFC 503.
  - b. Dead end alleys over 150 feet in length are prohibited.
11. Ownership.
  - a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
  - b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
  - c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

- D. Building orientation. The primary entrance and front facade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.
- E. Each dwelling unit shall be metered for water individually.
- F. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.
- G. Roofs. Roofs of attached residential buildings shall comply with the following standards:
  - 1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and similar features. Overhangs allowed on principal structures shall be no less than 12 inches.
  - 2. Mono-pitch roofs shall have a minimum pitch of 4:12.
  - 3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.
  - 4. Roof forms shall be designed to shelter building entrances.
- H. Roof penetrations and equipment. To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.
- I. Facades. For the purposes of this subsection, a building facade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following facade standards:
  - 1. Facades facing a street shall provide doors, porches, balconies, or windows in the following ratios:
    - a. A minimum of 60 percent of front facade; and
    - b. A minimum of 30 percent of side and rear building facades.
  - 2. All front facades shall provide a minimum of three of the following design features for each residential unit:
    - a. Projections or recesses in the facade plane that contrast with an adjoining unit, with a minimum depth or projection of one foot;
    - b. Exterior building materials or colors different from the materials or colors of the other units;
    - c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);
    - d. A dormer window, cupola, turret, tower, or canopy;
    - e. A recessed entrance;
    - f. A covered porch or balcony;
    - g. Pillars, posts, or pilasters;
    - h. A box or bay window with a minimum 12-inch projection from the facade plane;
    - i. Eaves with either exposed rafters or a cornice projecting a minimum 12 inches from the facade plane; or



- j. A parapet wall with an articulated design that varies in height.
  - 3. Front facades should be varied to avoid long, flat building fronts so that no more than 20 percent of the front facades of the units in the same building are substantially the same, unless designed as brick row houses.
- J. Garages.
- 1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with subsection C.5 of this section for pedestrian and vehicle separation plan.
  - 2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K. of this section, off-street parking.
  - 3. Garage entrances shall be set back between three and ten feet from adjacent streets and sidewalks.
  - 4. Garage entrances shall be set back a minimum of three feet and a maximum of ten feet from alleys.
- K. Off-street parking.
- 1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than 30 percent of the primary street frontage for the attached residential building.



Off-Street Parking on the Side of Attached Residential Buildings

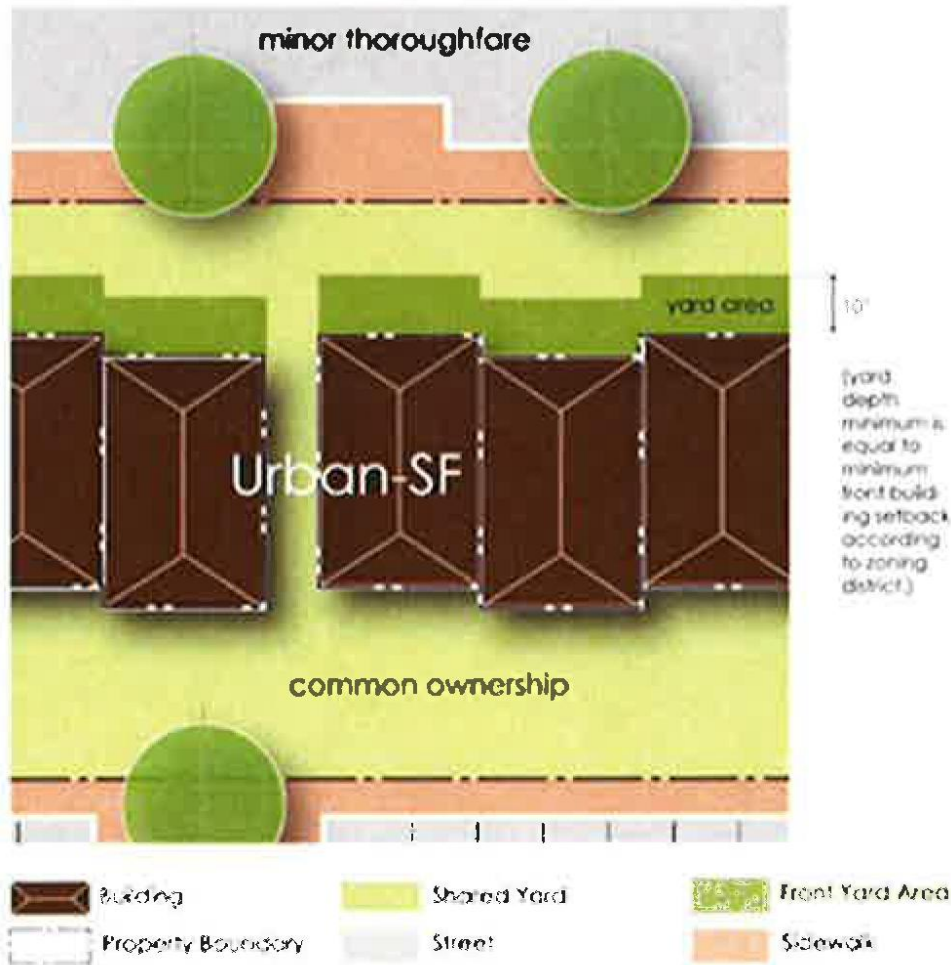


2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than 200 feet from the unit's entrance.
- L. The architectural features of a parking deck or structure shall be compatible with the primary buildings.
- M. Streetscape design. Single-family attached residential developments shall comply with the streetscape design standards in division 4 of this article.

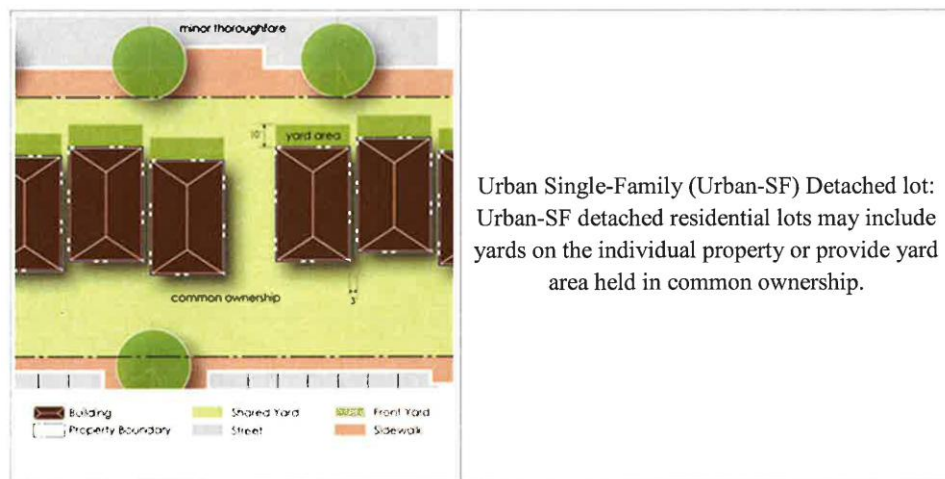
(Ord. of 8-2-2017, § 1(5.7.6))

#### **Sec. 5.7.7. Multifamily, nonresidential, live/work and mixed-use buildings.**

- A. Multifamily residential building and nonresidential buildings include the following building types: multifamily low rise (three stories and fewer); multifamily high rise (four stories and greater); live/work buildings; and large-scale retail.
  1. Multifamily residential buildings contain four or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one below the other (also known as "stacked townhouses") are also considered multifamily residential buildings.
  2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed 60,000 square feet in size.
  3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than 33 percent of the unit's total floor area. Within two-story live/work buildings, nonresidential uses shall be located on the ground floor only. Within single story units, the nonresidential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multifamily residential orientation shall comply with section 5.7.6.
- B. All development types other than single-family, shall comply with the following:
  1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.
  2. Building plane and scale.
    - a. Building facades shall not exceed 40 feet in length without projections, recesses or other architectural features.
    - b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and nonresidential districts shall have windows and/or doorways that occupy at least 25 percent of the width of the first floor street-level front facade.

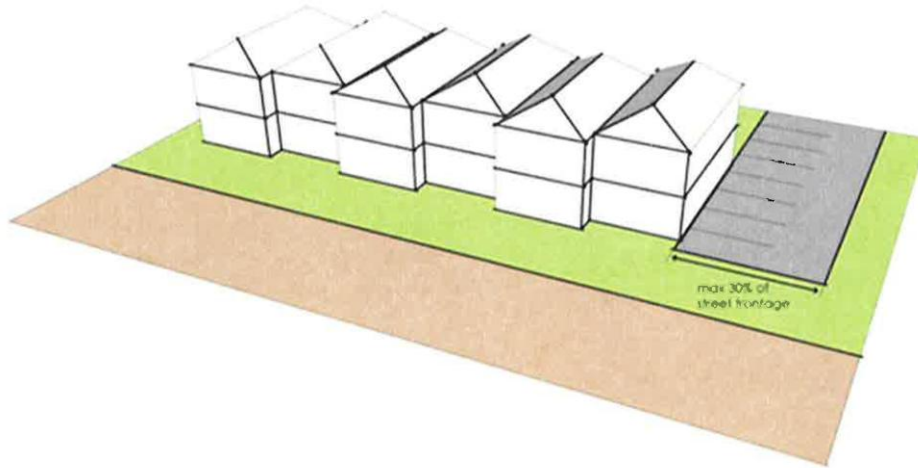


- c. All buildings regulated by this section that are four stories or greater shall:
1. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).



## Building Articulation: Clearly defined base, middle and top

2. Provide side step-backs at the fourth story when adjacent to the side of another building four stories or greater and along a private or public street.



## Side step-backs between mid-and high rise buildings

- C. Roofs.
  1. Multifamily low-rise buildings regulated by this section shall have roof design and features that comply with section 5.7.6.G.
  2. Multifamily buildings adjacent to a courtyard may be designed with a flat roof.
  3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of 50 percent of the length of the roofline facing a public street.
  4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front facade.
- D. Parking configuration. Nonresidential and mixed-use buildings, shall:
  1. Have no more than one double row of parking within the front yard where there is no intervening building between parking and the street; and
  2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.
- E. Multifamily developments shall meet the building separation requirements provided in section 5.2.1.B.
- F. Off-street surface parking lots (including access and travel ways) consisting of five or more spaces shall be located on the side or to the rear of a multifamily structure or development.
- G. Multifamily housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five percent of the total area of the lot or 4,000 square feet, whichever is greater.
- H. Low-rise multifamily building types. The following low-rise multifamily buildings shall be allowed, provided they meet the requirements set forth herein:

1. *Mansion.* The mansion style low-rise multifamily building shall have four to eight units within the structure, which shall be distinguished as a building designed to appear as a typical single-family detached home.
2. *Courtyard.* The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three sides.
  - a. Minimum width of the courtyard is 30 feet and depth is 15 feet.
  - b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
3. *All other.* To reduce massing and promote livability, all other low-rise multifamily building types shall provide:
  - a. Functional balconies for all exterior units;
  - b. Landscaping around each building within ten feet of building and along both sides of all internal sidewalks.
- I. Multi-building nonresidential development, excluding industrial. Buildings in a nonresidential development composed of multiple buildings totaling 100,000 square feet or more for the whole development shall:
  1. Be configured to break up the site into a series of smaller blocks defined by streets with pedestrian walkways forming an interconnected circulation route;
  2. Face the corner of an existing street intersection or entry point to the development;
  3. Frame and enclose:
    - a. A main street pedestrian or vehicle access corridor entering the development site;
    - b. At least three sides of parking areas, public spaces, or other site amenities; and
    - c. Provide outdoor gathering spaces for pedestrians between buildings.
- J. Outparcel development.
  1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
  2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

(Ord. of 8-2-2017, § 1(5.7.7); Ord. No. 2021-06-03, § 1(Exh. A, § DD), 8-23-2021)

### **Sec. 5.7.8. Large-scale retail; additional standards.**

- A. *Entrances.*
  1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three of the following elements:
    - a. Projecting or recessed, covered entrance;
    - b. Distinct roof form above entrance shall include at least one of the following:
      1. Roof overhangs;
      2. Awnings, canopies or porticos;
      3. Raised corniced parapets;

4. Gabled or peaked roof form;
  5. Arches;
  - c. Display windows directly adjacent to the entrance;
  - d. Architectural details and ornamentation emphasizing the building entrance;
  - e. Arcades connecting the entrance to adjacent pedestrian attractions;
  - f. Outdoor plaza with a minimum depth of 20 feet adjacent to the entrance and having seating and a water feature or landscaping; or
  - g. Landscape areas or seating areas.
- B. *Off-street parking.*
1. Parking for large-scale retail development shall be distributed around the principal structure on at least two sides.
  2. No more than 50 percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.
- C. *Pedestrian circulation.*
1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.
  2. Internal pedestrian walkways and sidewalks shall be at least five feet in width.
  3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.
  4. Sidewalks shall be provided for the principal building along any facade featuring a public entrance and along any facade leading to a public parking area.
  5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.
- D. *Landscaping.* In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:
1. *Building frontage.* Beginning 15 feet from the principal customer entrance, along the building facade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight feet tall at installation. Trees required herein shall be spaced no more than 100 feet apart.
  2. *Landscape strip.* A landscape strip at least 15 feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the 15 feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.
  3. *Walkways.* Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every 120 feet perpendicular to street frontages.

E. *Open space and enhanced open space areas.*

1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.
2. Sites containing one or more large-scale retail building shall include an outdoor gathering space equal to at least three percent of the total square footage of the building.
3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three of the following features per space:
  - a. Lighted bollards;
  - b. Tables and chairs;
  - c. Fountains or other water features;
  - d. Benches;
  - e. Seat walls and/or raised landscape planters;
  - f. Shade trees lining the gathering space;
  - g. Pots or hanging baskets filled with seasonal plant material;
  - h. Information kiosks;
  - i. Sculptures or other public art features; or
  - j. Other features as approved by the ~~director of planning~~ **Community Development Director or his/her designee** if the feature enhances the visual impact of the outdoor gathering space.

(Ord. of 8-2-2017, § 1(5.7.8))

## **ARTICLE 6. PARKING**

### **Sec. 6.1.1. Introduction.**

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

### **Sec. 6.1.2. Interpretation.**

- A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.
- B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the ~~director of planning~~ **Community Development Director or his/her designee** shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the ~~director of planning~~ **Community Development Director or his/her designee** reasonably determines that a parking generation study should be prepared by a qualified professional, the ~~director of planning~~ **Community Development Director or his/her designee** may require submission of such a study to aid the ~~director of~~

~~planning~~ **Community Development Director or his/her designee** in making a determination with respect to the number of required parking spaces.

- C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the ~~director of planning~~ **Community Development Director or his/her designee** may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

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

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

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
  - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
  - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
  - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
  - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
  - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
  - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
  - 7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
  - 8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
    - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;

- (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
- (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

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

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

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16'	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on paved surfaces for any industrial use for truck parking (commercial truck parking lot) shall be permitted as a principal use on parcels zoned M or M-2, provided that:
  - a. The parking area shall be screened from the view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
  - b. The parking area shall be at least 25 feet from the street right-of-way.
  - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
  - d. Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);
  - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
  - f. The commercial truck parking lot shall be a minimum of five acres.
  - g. All existing parking lots that have an active business license with the gravel parking are legally nonconforming. Any modification to those parking lots requires compliance with the current ordinance.



11. Paved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
  - a. The parking area shall be at least 750 feet from the boundaries of a residentially zoned parcel;
  - b. Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);
  - c. Parking areas shall be inspected by the City of Stonecrest, or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at the time of annual business license renewal, and this inspection report must be approved by the Building ~~Department~~ Division prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be.

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018; Ord. No. 2023-08-01, § 1(Exh. A), 8-28-2023)

#### **Sec. 6.1.4. Off-street parking ratios.**

- A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 6.1.5.
- B. In residential districts in which garage space is provided, the garage space may count for no more than one required space per 200 square feet of garage space.
- C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.
- D. Minimum and maximum parking ratios. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 6.2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.
- E. Phased development. Where a project is intended to be developed in phases, the ~~director of planning~~ Community Development Director or his/her designee may approve phased development of a parking lot intended to serve current and future development.
- F. Reduction of minimum parking requirements. The minimum number of required spaces described in Table 6.2 for a particular use may be reduced by ten percent by the ~~director of planning~~ Community Development Director or his/her designee pursuant to an administrative variance in compliance with article 7 of this chapter. If the use is within 1,000 feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by 25 percent in accordance with article 7 of this chapter.
- G. Carpool/vanpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:
  1. At least five percent of the parking spaces on-site must be reserved for carpool use.
  2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 6.1.16, this subsection shall prevail.

3. Signs shall be posted identifying spaces reserved for carpool use.

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
<i>Residential</i>		
Detached single-family dwelling	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Two-family and three-family dwellings	One space per dwelling unit.	Four spaces per dwelling unit.
Detached single-family condominium	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Attached single-family dwelling	1½ spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Child daycare facility	Two spaces.	Four spaces.
Child care institution, group	Two spaces.	Four spaces.
Child care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Live Work dwelling	Two spaces per unit.	Four spaces per unit.
<i>Institutional</i>		
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One parking space for each fleet vehicle plus one-half space for each administrative or service employee.	One parking space for each fleet vehicle plus three-quarter space for each administrative or service employee.

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Child daycare center	One space for each 400 square feet of floor area.	One space for each 300 square feet of floor area.
Convent or monastery	One space for each 400 square feet of floor area.	One space for each 200 square feet of floor area.
Funeral home	One space for each 400 square feet of floor area	One space for each 200 square feet of floor area.
Hospital and similar institutional use	One space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter space per bed	One-half space per bed
Kindergarten	One space per 300 square feet of floor area.	One space per 200 square feet of floor area.
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One space for each four seats in the largest assembly room.	One space for each two seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One space for each 40 square feet of floor space in the largest assembly room.	One space for each 20 square feet of floor space in the largest assembly room.
Private elementary and middle school	1½ spaces for each classroom.	Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Private high school	Three spaces for each classroom.	Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Colleges, including trade, vocational, and commercial vocational schools	Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.	No maximum.
<i>Recreational</i>		
Athletic Field	20 spaces per field.	60 spaces per field.
Bowling alley	Four spaces for each alley.	Five spaces for each alley.
Driving range	One space per tee	1½ spaces per tee
Miniature Golf	12 spaces	20 spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One space for each 200 square feet of floor area.	One space for each 100 square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	One space per 10 homes.	One space per five homes.

Public or private golf course	15 spaces per nine holes.	30 spaces per nine holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One space for each 300 square feet of floor area.	One space for each 125 square feet of floor area.
Special events facilities	One space for each 200 square feet of space used for such activity.	One space for each 100 square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One space for each 300 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 300 square feet of area within the tent enclosure.	One space for each 200 square feet of land devoted to such use; or where such use is conducted within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.
<i>Commercial</i>		
Adult daycare center	Two spaces	Four spaces
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Car wash	Two stacking spaces for each car wash lane plus two drying spaces per lane.	Three stacking spaces for each car wash lane plus three drying spaces per lane.
Convenience Store without gas pumps	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Convenience Store with gas pumps	One space per 500 square feet of floor area	One space per 150 square feet of floor area.
Grocery Store	One space per 500 square feet of floor area.	One space per 200 square feet of floor area.
Hotel or motel	One space per lodging unit, plus one space per each 150 square feet of banquet, assembly, or meeting area.	1 2/10spaces per lodging unit, plus one space per each 100 square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One space for each 1,000 square feet of floor area	One space for each 300 square feet of floor area
Office, Professional	One space for each 500 square feet of floor area.	One space for each 250 square feet of floor area.
Offices, Doctor and Dentist	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One space for each 150 square feet of floor area, but not less than ten spaces.	One space for each 75 square feet of floor area, but not less than ten spaces.

Late Night Establishment	One space for each 300 square feet of floor area with a minimum of ten spaces.	One space for each 150 square feet of floor area with a minimum of ten spaces.
Nightclub	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 150 square feet of floor area, but not less than ten spaces.
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
<i>Industrial</i>		
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One space for each 2,000 square feet of floor area.	One space for each 1,300 square feet of floor area.
Self-storage (mini or multi)	One space for each 20-storage unit	No maximum
Warehouse, distribution	One space for each 2,500 square feet of floor area.	One space for each 500 square feet of floor area.
Wholesale membership club	One space for each 500 square feet of floor area	One space for each 200 square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.	One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.

(Ord. of 8-2-2017, § 1(6.1.4); Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023)

### Sec. 6.1.5. Off-street parking reduction for shared parking.

Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the ~~director of planning~~ **Community Development Director or his/her designee** shall be executed prior to issuance of any certificates of occupancy for the development.

In any shared parking agreement, at least 50 percent of shared parking spaces must lie within 700 feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within 1,000 feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the ~~director of planning~~ **Community Development Director or his/her designee** and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owners in violation of this zoning ordinance.

The steps for determining parking requirements in a mixed use development are:

- A. Determine the minimum amount of parking required for each separate use (Table 6.2).
- B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- C. Calculate the column total parking requirement for each time period.
- D. The largest column total is the shared parking requirement.
- E. Example of shared parking calculation:

If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

Office: 400 spaces;

Retail: 300 spaces; and

Restaurant uses: 100 spaces;

With a total parking for individual use on-site: 800 spaces.

Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 6.4 (by applying the percent reduction in Table 6.3):

Table 6.3. Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.

Office	100 percent	10 percent	5 percent	10 percent	5 percent
Retail	60 percent	90 percent	10 percent	100 percent	70 percent
Hotel	75 percent	90 percent	100 percent	75 percent	90 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	100 percent
Entertainment/Recreational	40 percent	100 percent	10 percent	80 percent	100 percent
Church	25 percent	60 percent	10 percent	100 percent	100 percent

Table 6.4. Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of 170 required spaces.

(Ord. of 8-2-2017, § 1(6.1.5))

#### Sec. 6.1.6. Shared driveways and interparcel access.

- A. *Applicability.* This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.
- B. *Shared driveways.* Shared driveways between two parcels along a common property line may be required by the planning commission during subdivision plat review or by the ~~director of planning~~ **Community Development Director or his/her designee** during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.
- C. *Interparcel access requirements.* Interparcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the ~~director of planning~~ **Community Development Director or his/her designee** during the land disturbance permitting process determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission from the abutting property owners for such interparcel access.

(Ord. of 8-2-2017, § 1(6.1.6))

**Sec. 6.1.7. Number of handicapped parking spaces required.**

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

(Ord. of 8-2-2017, § 1(6.1.7))

**Sec. 6.1.8. On-street parking.**

On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

(Ord. of 8-2-2017, § 1(6.1.8))

**Sec. 6.1.9. Parking structures.**

The following requirements shall apply for parking structures:

- A. *Minimum setbacks.* Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.
- B. *Maximum height.* Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.
- C. *Architectural features and facades.*
  - 1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on facades facing public rights-of-way.
  - 2. Architectural features and facades for parking structures shall be compatible with abutting structures.
- D. *Orientation.* Parking structures shall be oriented to the interior of the parcel by adhering to the following:
  - 1. Residential dwelling units, retail storefronts or office facades shall line the parking structure along all first floor facades adjacent to a street, excluding alleys and driveways.
  - 2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

(Ord. of 8-2-2017, § 1(6.1.9))

**Sec. 6.1.10. Parking area landscaping.**

See parking area landscaping requirements in section 5.4.4.

(Ord. of 8-2-2017, § 1(6.1.10))



**Sec. 6.1.11. Paving surfaces.**

- A. Typical paving surfaces. The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.
- B. Alternative paving surfaces may be used for the number of spaces that exceed 105 percent of the minimum required spaces subject to the confirmation by the ~~director of planning~~ **Community Development Director or his/her designee** of the pervious nature of the alternative paving material and the numerical calculations.
1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.
  2. Driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:
    - a. Uses within 50 feet of environmentally sensitive areas identified in the comprehensive plan;
    - b. Uses which require parking for less than five days per week during a typical month; and
    - c. Parks, playgrounds, and other similar outdoor recreation areas with less than 200 parking spaces.

(Ord. of 8-2-2017, § 1(6.1.11))

**Sec. 6.1.12. Stacking spaces.**

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the street from the junction of the two street curb lines to the nearest edge of the entrance.

(Ord. of 8-2-2017, § 1(6.1.12))

**Sec. 6.1.13. Valet parking requirements.**

All valet parking services shall meet the following requirements:

- A. Valet parking services shall only use off-street parking to park customer vehicles.
- B. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

(Ord. of 8-2-2017, § 1(6.1.13))

**Sec. 6.1.14. Off-street loading requirements.**

- A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 6.5. Off-street loading space requirements

Off-street loading requirements		
Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required

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(Supp. No. 4)

Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1
	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multifamily residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers		2

- B. Design and arrangement of off-street loading areas. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:
1. A loading space shall measure no less than 12 feet by 35 feet and have no less than 14 feet of vertical clearance.
  2. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
  3. For manufacturing and warehousing uses, all loading spaces shall measure no less than 12 feet by 55 feet.
  4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.

- C. Off-street loading and maneuvering location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
  - 1. Industrial zoning districts. If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a 50-foot landscaped strip shall be established between the nonindustrial zoning district and the off-street loading spaces and maneuvering area.
- D. Screening of loading areas. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.
- E. Enclosure of dumpsters and trash compactors. All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six feet in height.

(Ord. of 8-2-2017, § 1(6.1.14))

#### **Sec. 6.1.15. Parking of trailers in residential districts.**

- A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten feet from side property line, whichever is less; or within ten feet of the rear lot line.
- B. No recreational vehicle or trailer may be occupied for human habitation for more than 14 consecutive days while parked within a residential zoning district.
- C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
- D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.
- E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding 15 consecutive days, or a total of 30 days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

(Ord. of 8-2-2017, § 1(6.1.15))

#### **Sec. 6.1.16. Alternative fuel vehicles parking.**

- A. *Where required.* Preferential parking for alternative fuel vehicles shall be provided for all new nonresidential parking areas containing 100 or more parking spaces, and for new parking areas of mixed-use projects where the nonresidential portion of the project requires 100 or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.
- B. *Required number of spaces.* At least two percent of all parking spaces in parking lots identified in subsection A. of this section shall be designated for preferential parking for alternative fuel vehicles.
- C. *Location of parking spaces.* The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements,

or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.

- D. *Signage required.* Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.
- E. *Existing vehicle recharging stations.* Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

(Ord. of 8-2-2017, § 1(6.1.16))

### **Sec. 6.1.17. Bicycle/moped parking requirements.**

- A. A building, commercial establishment, recreation area, or other property, whether privately or publicly-owned or -operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one bicycle/moped parking space for every 20 required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three, nor be required to have more than 50 bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.
- B. All bicycle/moped spaces shall be located within 250 feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten inches by 15 inches shall be displayed that directs cyclists to the bicycle/moped parking.
- C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.
- D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(Ord. of 8-2-2017, § 1(6.1.17))

## **ARTICLE 7. ADMINISTRATION**

### ***DIVISION 1. GOVERNING BODIES AND AUTHORITY***

#### **Sec. 7.1.1. Purpose and intent; compliance with law.**

- A. This article is intended to provide certain procedures to govern.
  - 1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
  - 2. The calling and conducting of public hearings pertaining to said applications.

3. Establishing criteria for making decisions on such applications.
  - B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.
- (Ord. of 8-2-2017, § 1(7.1.1))

### Sec. 7.1.2. Governing bodies.

#### A. ~~Director of planning.~~ **Community Development Director**

1. The provisions of this zoning ordinance shall be administered by the ~~director of planning or his designee,~~ **Community Development Director or his/her designee** in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the ~~director of planning~~ **Community Development Director or his/her designee** shall include, but not be limited to, the following:
  - a. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.
  - b. Researching facts and preparing recommendations for the planning commission and the city council for such applications.
  - c. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.
  - d. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.
  - e. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.
  - f. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the ~~director of planning~~ **Community Development Director or his/her designee** may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.
  - g. Administratively correct the official zoning map after a graphic or scrivener error has been identified.
  - h. Other duties as authorized in this zoning ordinance, including, but not limited to, the rendering of administrative decisions authorized by division 6 of this article.

#### B. *Training and Education of Boards and Commissions.*

1. Members of the Planning Commission and Zoning Board of Appeals shall attend by the 365th day of their term of appointment or re-appointment one or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Section 2.6.17.b).

2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the ~~Planning and Zoning Director~~ **Community Development Director or his/her designee** are relevant to the activities, operations, and duties of said board or commission. (Section 2.6.17.e)

C. *Reserved.*

D. *Planning Commission.*

1. There is hereby established a Planning Commission which shall consist of five members, all residents of the City of Stonecrest, who shall be appointed as follows:
  - a. The Mayor shall appoint one member from each district, subject to confirmation by the city council.
  - b. Each member shall serve a term of two years. However, the initial term of all initial planning commissioners first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
2. A planning commissioner shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the commission. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the planning commission to the city council. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County. If a planning commission member moves outside the district from which he was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.
3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the ~~director~~ **Community Development Director or his/her designee** as having completed a training session sponsored by the city or designated by the city.
4. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district \_\_\_\_\_ and the City of Stonecrest. I will perform the duties of my office in the best interests of

- the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."
5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.
  6. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
  7. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.
  8. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.
  9. A quorum of the planning commission shall consist of at least three members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
  10. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the commission's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
  11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The ~~director of planning or his designee~~ **Community Development Director or his/her designee** may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning ~~and zoning department division~~ and shall be a public record.
- E. *Zoning board of appeals.*
1. There is hereby established a zoning board of appeals which shall consist of five members, each of whom shall be a resident of the city. Each member shall serve a term of two years. The Mayor shall appoint one member from each district, subject to confirmation by the city council. A member of the zoning board of appeals shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the board. It shall be the duty of the secretary of the zoning board of appeals

to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the zoning board of appeals to the city council. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Members of the zoning board of appeals may be reappointed to successive terms without limitation. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County. If a member of the zoning board of appeals moves outside the district from which he was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.

2. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the ~~director~~ Community Development Director or his/her designee as having completed a training session sponsored by the city.
3. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district \_\_\_\_\_ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

4. Each member shall serve a term of two years. However, the initial term of all initial members first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.
6. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.
7. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of



the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.

8. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.
7. A quorum of the zoning board of appeals shall consist of at least three members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
8. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the board's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
9. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The ~~director of planning or his designee~~ **Community Development Director or his/her designee** may serve as secretary to the zoning board of appeals. The planning ~~and zoning department division~~ staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning ~~and zoning department division~~ **division** and shall be a public record.
10. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

(Ord. of 8-2-2017, § 1(7.1.2); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

## ***DIVISION 2. GENERAL PROCEDURES***

### **Sec. 7.2.1. Applications and public hearing.**

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

(Ord. of 8-2-2017, § 1(7.2.1))

### **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~~ **Community Development Director or his/her designee**

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~~ **and zoning division**.

- 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~~ **and zoning division**.
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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** 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~~ **Community Development Director or his/her designee** *to be noted on official zoning maps.* The clerk shall, after any final action taken by the city council, provide to the **Community Development Director or his/her designee** a signed, certified copy of each such action. The ~~director of planning~~ **Community Development Director or his/her designee** 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 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.~~  
Community Development Director or his/her designee.
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.~~  
Community Development Director or his/her designee.
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.~~  
Community Development Director or his/her designee.

(Ord. of 8-2-2017, § 1(7.2.2); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

### **Sec. 7.2.3. Reserved.**

(Ord. of 8-2-2017, § 1(7.2.3))

### Sec. 7.2.4. Public hearings.

- A. *Zoning decisions.* The term "zoning decision" is defined in article 9 of this chapter by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.
- B. *Zoning decisions initiated by the city.* For any zoning decision initiated by the city at least 15 but not more than 45 days prior to the date of the public hearing before the city council, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
- C. *Zoning decisions delegated* to a quasi-judicial officer, board, or agency by the city, such as the zoning board of appeals, shall provide for a hearing when hearing the appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative zoning permits, special exceptions, conditional use permits, or other similar permits, as set forth in state law, O.C.G.A. 36-66-3 (1.1).
  - 1. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing.
  - 2. The city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
  - 3. Additional notice being mailed to the owner of the property that is the subject of the proposed action.
- D. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:
  - 1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the ~~director of planning~~ Community Development Director or his/her designee to all owners of property within 1,000 [feet] of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.
  - 2. Signs shall be posted on the subject property at least 15 days and not more than 45 days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. One additional sign shall be posted for each additional 500 feet of frontage or fraction thereof in excess of 500 feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning ~~and zoning department division.~~
  - 3. One notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.
  - 4. A dated photograph of each sign shall be submitted by the applicant to the ~~director of planning~~ Community Development Director or his/her designee as evidence of its proper posting.

5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least 15 days and not more than 45 days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, and the city council, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable. Notice for decisions by quasi-judicial officers, boards, or agencies shall be in the manner described in Section 7.2.4.(C).
  - E. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of O.C.G.A. 36-66-3 for the same property, only one hearing shall be required.
- (Ord. of 8-2-2017, § 1(7.2.4); Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

### **Sec. 7.2.5. Community impact notification.**

#### **A. Applicability.**

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
2. This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.

#### **B. Requirements.**

1. *Council notification.* The Chief Building Official shall provide notification to the pertinent district councilmember.
2. *Posted notice.* Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

(Ord. No. 2022-01-01, § 1(Exh. A), 1-10-2022)

## ***DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES***

### **Sec. 7.3.1. Initiation of proposals for text and map amendments.**

A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the ~~director of planning~~ **Community Development Director or his/her designee**, one or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owners of the subject property or the authorized agent of the owners. Before enacting any amendment to this chapter, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

(Ord. of 8-2-2017, § 1(7.3.1))

### **Sec. 7.3.2. Consistency with comprehensive plan.**

Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

(Ord. of 8-2-2017, § 1(7.3.2))

### **Sec. 7.3.3. Staff analysis, findings of fact, and recommendations.**

- A. The staff of the planning ~~and zoning department~~ **division** shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.
- B. The findings and recommendations of the planning ~~and zoning department~~ **division** staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning ~~and zoning division~~ staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.
- C. Within a reasonable amount of time after acceptance of a complete application, the ~~director of planning~~ **Community Development Director or his/her designee** shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

(Ord. of 8-2-2017, § 1(7.3.3))

### **Sec. 7.3.4. Standards and factors governing review of proposed amendments to the comprehensive plan map.**

The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

- A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
- B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
- C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- D. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
- E. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
- F. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
- G. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

(Ord. of 8-2-2017, § 1(7.3.4))

### **Sec. 7.3.5. Standards and factors governing review of proposed amendments to the official zoning map.**

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

(Ord. of 8-2-2017, § 1(7.3.5))

### **Sec. 7.3.6. Community Planning Information Meeting (CPIM).**

The City will hold an informational meeting for the public called the Community Planning Information Meeting or CPIM. This meeting will serve as an opportunity for the applicant and the City to introduce and explain proposed zoning requests to the community. The goal of the CPIM is to build understanding of the City's zoning process and inform the public of pending zoning requests within the City of Stonecrest.

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 the City Council's regularly scheduled meetings dates.
2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at Community Planning Information Meeting for the public.

3. The ~~Planning and Zoning Community Development~~ Director and/or his/her designee(s) shall be present to discuss and answer any questions from the community on all proposed zoning requests initiated by the City at the CPIM.
4. A party other than the city who initiates a zoning request and/or his/her designee(s) shall be present to discuss and answer any questions from the community on the proposed zoning request at the CPIM.

(Ord. No. 2023-05-02, § 1, 5-22-2023)

### **Sec. 7.3.6.1. Procedures governing changes to zoning classifications or definitions relating to single-family residential uses of property.**

The following procedures shall govern the review of all proposed zoning decisions to revise (1) one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of the property pursuant to such classifications or definitions, or (2) to grant blanket permission, under certain 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 city during a period of not less than 21 days apart.
- B. Prior to the first meeting provided in subparagraph A. of this paragraph, at least two public hearings shall be held on the proposed action.
- C. Such public hearings shall be held at least three months and not more than nine months prior to the date of the final action on the zoning decision.
- D. At least one of those public hearings must be held between the hours of 5:00 p.m. and 8:00 p.m.
- E. The hearings required under this paragraph shall be in addition to any hearing as described and required in Section 7.2.4.
- F. The city shall give notice of such hearing by:
  1. Posting notice of each affected premises in the manner prescribed by section 7.2.4(c); provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area.
  2. Publishing in a newspaper of general circulation within the territorial boundaries of the city a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.
- G. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multi-family 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 related to single-family residential uses.
  1. 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.
  2. The notice shall state that a copy of the proposed amendment is on file with the city clerk and with the Office of the Clerk of Superior Court of DeKalb County, Georgia for the purpose of examination and inspection by the public.
  3. The city shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.



- H. The provisions of this section shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multi-family residential uses of property.
- I. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multi-family residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

Ord. No. 2023-06-02, § 1(Exh. A), adopted June 28, 2023, amended the Code by adding provisions designated as § 7.3.6. Inasmuch as there were already provisions so designated, and at the discretion of the editor, the provisions have been redesignated as § 7.3.6.1.

### **Sec. 7.3.7. Action by the planning commission.**

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any recommendation by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

(Ord. of 8-2-2017, § 1(7.3.7); Ord. No. 2022-01-05, § 1(Exh. A), 1-24-2022)

### **Sec. 7.3.8. Action by the city council.**

At the next scheduled city council meeting pursuant to the applicant zoning calendar following the appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 7.3.9. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning ~~and zoning department, division,~~ and the record prepared by the planning commission shall be presented to each member of the city council. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 7.3.4 and 7.5.3 or 7.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. Any proposed amendment or any

proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council, or made a part of the motion.

(Ord. of 8-2-2017, § 1(7.3.8))

### **Sec. 7.3.9. Conditions of zoning.**

Conditions of zoning may be requested by an applicant, recommended by the planning ~~department~~ **division** or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

- A. Conditions of zoning may be imposed so as to ameliorate the effects of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning districts involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning districts involved, except as stipulated in section 8.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 7.3.10.
- C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

(Ord. of 8-2-2017, § 1(7.3.9))

### **Sec. 7.3.10. Modifications and changes to approved conditions of zoning.**

- A. The ~~director of planning~~ **Community Development Director or his/her designee** shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor changes to conditions shall be filed with the ~~director of planning or his designee~~ **Community Development Director or his/her designee** on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The ~~director of planning~~ **Community Development Director or his/her designee** shall decide whether to grant or deny the request for minor changes to conditions within 30 calendar days of receipt of a complete application for such minor changes. If the ~~director of planning~~ **Community Development Director or his/her designee** does not decide within 30 days the request for minor change shall be deemed denied as of the 31st day after receipt of a complete application. After making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall have ten calendar days to post a sign on the subject

property which reflects the decision of the ~~director~~ **Community Development Director or his/her designee** and includes the deadline for taking an appeal of the decision. Persons identified in section 7.5.2.B. shall have 15 calendar days from the posting of the sign to appeal the ~~director of planning's~~ **Community Development Director or his/her designee** decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 7.2.4 of this article for amendments to the official zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute major changes:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

(Ord. of 8-2-2017, § 1(7.3.10))

## ***DIVISION 4. SPECIAL LAND USE PERMITS***

### **Sec. 7.4.1. Special land use permits generally.**

- A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.
- B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 of this chapter or section 7.4.7.
- C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the ~~planning department~~ **Community Development Department** in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.
- D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to ensure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

(Ord. of 8-2-2017, § 1(7.4.1))

### **Sec. 7.4.2. Initiation of applications and public hearing requirements.**

- A. Procedures for applications shall comply with section 7.2.2.
  - B. Applications for special land use permits require a public hearing, as provided for in section 7.2.4.
- (Ord. of 8-2-2017, § 1(7.4.2))

### **Sec. 7.4.3. Initiation of ordinance for application for special land use permit.**

Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

(Ord. of 8-2-2017, § 1(7.4.3))

### **Sec. 7.4.4. Reserved.**

(Ord. of 8-2-2017, § 1(7.4.4))

### **Sec. 7.4.5. Staff analysis, findings of fact, and recommendation on each application.**

An application for a special land use permit shall be filed on forms provided by the planning and ~~zoning department~~ division and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning ~~and zoning department~~ division shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on the criteria contained in section 7.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 7.4.7.

(Ord. of 8-2-2017, § 1(7.4.5))

### **Sec. 7.4.6. Special land use permit; criteria to be considered.**

The following criteria shall be considered by the planning and ~~zoning department~~ division the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4 of this chapter:

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
- M. Whether there is adequate provision of refuse and service areas.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

(Ord. of 8-2-2017, § 1(7.4.6))

#### **Sec. 7.4.7. Additional criteria for specified uses.**

In addition to the criteria contained in section 7.4.6 above for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which

such property is located and the criteria contained in section 7.4.6 above, and complying with applicable regulations in article 4 of this chapter, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of section 4.2.57.
- B. *Reserved.*
- C. *Child daycare facility.* In determining whether to authorize a special land use permit for a child daycare facility, the city council shall also consider each of the following criteria:
  - 1. Whether there is adequate off-street parking for all staff members and for visitors to the child daycare facility.
  - 2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
  - 3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child daycare facility.
  - 4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child daycare facility is proposed to be located, if proposed for a residential zoned district.
- D. *Reserved.*

(Ord. of 8-2-2017, § 1(7.4.7); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

#### **Sec. 7.4.8. Action by the planning commission.**

- A. **The Planning and Zoning Division** staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.
- B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.
- C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.
- D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

(Ord. of 8-2-2017, § 1(7.4.8))

#### **Sec. 7.4.9. Action by the city council.**

- A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.
- B. The city council may impose conditions based upon the facts of a particular application in accordance with section 7.4.9.
- C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.
- D. The city council may specify the duration of each such special land use permit approved.

(Ord. of 8-2-2017, § 1(7.4.9))

#### **Sec. 7.4.10. Appeals of decisions of the city council.**

All appeals of all final decisions of the city council under the provisions of this division shall be as follows:

- A. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.
- B. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a petition for review plainly setting forth the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.
- C. The city manager shall have authority to accept service and upon whom service of an appeal of a quasijudicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.

(Ord. of 8-2-2017, § 1(7.4.10); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 7.4.11. Limitations of special land use permits.**

- A. *Development of an approved special use.* The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
- B. *Expiration of a special land use permit.* Unless a building permit or other required approvals is applied for within 12 months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.
- C. *Time extension of a special land use permit.* A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for 12 consecutive months upon written request by the applicant and approval by the ~~planning director~~

**Community Development Director or his/her designee**. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 7.2.4.C. In considering a request to extend, the ~~planning director~~ **Community Development Director or his/her designee** and the city council shall consider the criteria described in section 7.4.6.

- D. *Limitations on approvals for special land use permits.* A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 consecutive months.
- E. *Modifications to a special land use permit.* Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(Ord. of 8-2-2017, § 1(7.4.11))

### **Sec. 7.4.12. Transfer of special land use permits.**

A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this section. A special land use permit may only be transferred from one person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the ~~director of planning~~ **Community Development Director or his/her designee**. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within 30 days of such denial. Notwithstanding the foregoing, the ~~director of planning~~ **Community Development Director or his/her designee** may extend the deadline for correction of the violation for a period up to 90 days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within 30 days.

(Ord. of 8-2-2017, § 1(7.4.12))

## ***DIVISION 5. VARIANCES AND APPEALS TO THE ZONING BOARD OF APPEALS***

### **Sec. 7.5.1. Testimony and burden of proof.**

The chairperson of the zoning board of appeals, or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

- A. *Requirements.* The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.



- B. *Review.* It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

(Ord. of 8-2-2017, § 1(7.5.1))

### **Sec. 7.5.2. Appeals of decisions of administrative officials.**

- A. *General power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within 180 days of receipt of all necessary information to make such decision. A failure to act prior to the passage of 180 days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by:
- (1) Any person aggrieved by; or
  - (2) An owner of property within 250 feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest.
- By filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within 15 days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.
- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving nonresidentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. *Order granted by court.* Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant.

Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.

- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

(Ord. of 8-2-2017, § 1(7.5.2))

### **Sec. 7.5.3. Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.**

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings:
1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
  2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
  3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
  4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
  5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7.B.
- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
  - 1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
  - 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  - 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
  - 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
  - 5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
  - 6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

(Ord. of 8-2-2017, § 1(7.5.3))

#### **Sec. 7.5.4. Applications for variances to reduce or waive off-street parking or loading space requirements.**

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the buildings is such as to make unnecessary the full provision of parking or loading spaces;
- B. Reserved;
- C. The provision of the full number of parking spaces would have a deleterious effect on an historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

(Ord. of 8-2-2017, § 1(7.5.4))

### **Sec. 7.5.5. Limitations of authority of the zoning board of appeals.**

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the ~~director of planning~~ **Community Development Director or his/her designee**.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

(Ord. of 8-2-2017, § 1(7.5.5))

### **Sec. 7.5.6. Decision by the zoning board of appeals.**

Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within 60 days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.5.6))

### **Sec. 7.5.7. Compliance with standards upon denial.**

In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within 30 days of such denial

or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be 90 days.

(Ord. of 8-2-2017, § 1(7.5.7))

#### **Sec. 7.5.8. Appeals of decisions of the zoning board of appeals, quasi-judicial officer or agency.**

All appeals of all final decisions of the zoning board of appeals or a quasi-judicial officer or agency under the provisions of this chapter shall be as follows:

- A. *Petition for Review.* Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by petition for review for zoning decisions as described in Chapter 66 relating to zoning procedures and subparagraph E of paragraph (4) of O.C.G.A. § 36-66-3, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the zoning board of appeals is rendered.
- B. *Service.*
  - a. 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 affected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government; and
  - b. The city manager shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be affected or accepted on behalf of the city, during normal business hours, at the regular offices of the city manager.

(Ord. of 8-2-2017, § 1(7.5.8); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 7.5.9. Fair Housing Act accommodation variance.**

Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as that term is defined in the Federal Fair Housing Act, including, but not limited to, sections 4.2.41 and 4.2.28 as well as the terms defined therein. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

(Ord. of 8-2-2017, § 1(7.5.9))

### ***DIVISION 6. SPECIAL ADMINISTRATIVE PERMITS; WAIVERS AND VARIANCES***

### Sec. 7.6.1. Special administrative permits generally.

The ~~director of planning~~ **Community Development Director or his/her designee** is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the ~~director of planning~~ **Community Development Director or his/her designee**.

(Ord. of 8-2-2017, § 1(7.6.1))

### Sec. 7.6.2. Standards for special administrative permits, criteria to be applied.

All applications filed for special administrative zoning permit with the ~~director of planning~~ **Community Development Director or his/her designee** shall be considered and decided pursuant to the standards contained in sections 7.4.6 and 7.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4 of this chapter. All special administrative permits approved by the ~~director of planning~~ **Community Development Director or his/her designee** shall specify the length of time of the duration of each such special administrative permit.

(Ord. of 8-2-2017, § 1(7.6.2); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

### Sec. 7.6.3. Time limitations.

All applications for special administrative permits shall be considered and decided by the ~~director of planning~~ **Community Development Director or his/her designee** no later than 30 days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the ~~director of planning~~ **Community Development Director or his/her designee**. If the ~~director of planning~~ **Community Development Director or his/her designee** does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

(Ord. of 8-2-2017, § 1(7.6.3))

### Sec. 7.6.4. Reserved.

(Ord. of 8-2-2017, § 1(7.6.4))

### Sec. 7.6.5. Administrative variances, administrative waivers; authority.

- A. The ~~director of planning~~ **Community Development Director or his/her designee** is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:
1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 7.5.3.
  2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten percent of the requirement, pursuant to the standards specified in section 7.5.3.

3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten percent of the district requirement, pursuant to the standards specified in section 7.5.4.
4. Reserved.
5. Increase by variance the retaining wall height as set forth in article 5, division 4 of this chapter by an amount not to exceed two feet, but no such variance is allowed for property located in an historic district.
6. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 of this chapter by an amount not to exceed two feet.
7. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 of this chapter by two feet.
8. Reduce by variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
  - a. To reduce required minimum lot size by up to 50 percent only to maintain the pre-determined yield.
  - b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be nonconforming with respect to the minimum setback standards.
  - c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
9. Waive architectural building standards and designs provided in article 5 of this chapter, building form standards. The ~~planning director~~ **Community Development Director or his/her designee** shall notify the city council in writing within ten days of granting said waiver.
10. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.5))

#### **Sec. 7.6.6. Procedures for applications for administrative variances and administrative waivers.**

- A. An application for administrative variance or administrative waiver shall be submitted to the ~~director of planning~~ **Community Development Director or his/her designee** on forms approved by the ~~director of planning~~ **Community Development Director or his/her designee** along with any such fees as may be established by the city council.
  1. The ~~director of planning~~ **Community Development Director or his/her designee** shall review and decide upon each complete application pursuant to the applicable standards referred to in section 7.6.7. A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed, unless an extension is agreed to by the applicant and ~~director of planning~~ **Community Development Director or his/her designee**. If the ~~director of planning~~ **Community Development Director or his/her designee** does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the ~~director of planning~~ **Community Development Director or his/her designee** deems necessary to evaluate the request.
3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.
4. The ~~director of planning~~ **Community Development Director or his/her designee** and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.
5. No later than ten calendar days after making a decision, the ~~director of planning~~ **Community Development Director or his/her designee** shall post a sign on the subject property which reflects the decision of the ~~director of planning~~ **Community Development Director or his/her designee** and the deadline for taking an appeal of the decision to the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.6))

**Sec. 7.6.7. Criteria used by the ~~director of planning~~ **Community Development Director or his/her designee** in deciding administrative variances and administrative waivers.**

- A. The ~~director of planning~~ **Community Development Director or his/her designee** shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 7.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the ~~director~~ **Community Development Director or his/her designee** shall apply the criteria specified in sections 7.5.3 and 7.5.4 to the facts of each application.
- B. The ~~director of planning~~ **Community Development Director or his/her designee** shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5 of this chapter, building form standards using the following criteria:
  1. Whether the proposed changes in appearance will have a substantial adverse effect on the design standards set out in article 5 of this chapter.
  2. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.
  3. The extent to which the proposal is compatible with other structures in the area.
- C. When issuing a written decision on an administrative waiver request, the ~~director of planning~~ may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the **Community Development Director or his/her designee** grounds relied upon in reaching the decision.

(Ord. of 8-2-2017, § 1(7.6.7))

**Sec. 7.6.8. Persons entitled to appeal to the zoning board of appeals.**

Any person identified in section 7.5.2.B. shall have the right to appeal by a decision of the ~~director of planning~~ **Community Development Director or his/her designee** related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within 30 days after the decision of the ~~director~~ **Community Development Director or his/her designee** is rendered.

(Ord. of 8-2-2017, § 1(7.6.8))



- CODE OF ORDINANCES  
 Chapter 27 - **ZONING** ORDINANCE  
 ARTICLE 7. - ADMINISTRATION  
**DIVISION 7. ENFORCEMENT**, VIOLATIONS, AND PENALTIES

## *DIVISION 7. ENFORCEMENT, VIOLATIONS, AND PENALTIES*

### **Sec. 7.7.1. Administration and enforcement; granting of permits.**

The ~~director of planning~~ Community Development Director or his/her designee shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The ~~director of planning~~ Community Development Director or his/her designee shall have the duty to issue development permits as required with respect to this chapter.

(Ord. of 8-2-2017, § 1(7.7.1))

### **Sec. 7.7.2. Development permits.**

Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to ensure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

(Ord. of 8-2-2017, § 1(7.7.2))

### **Sec. 7.7.3. Building permits and certificates of occupancy required.**

A building permit and a certificate of occupancy shall be obtained from the ~~director of planning~~ Community Development Director or his/her designee prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the ~~director of planning~~ Community Development Director or his/her designee

(Ord. of 8-2-2017, § 1(7.7.3))

### **Sec. 7.7.4. Applications for permits and certificates of occupancy.**

- A. All applications for development permits shall be made to the ~~director of planning~~.
- B. All applications for building permits and certificates of occupancy shall be made to the ~~director of planning~~ .  
Community Development Director or his/her designee
- C. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the ~~director of planning~~ Community Development Director or his/her designee
- D. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in an historic district or on an historic property.

(Ord. of 8-2-2017, § 1(7.7.4))

### Sec. 7.7.5. Development and building permits; plans required.

- A. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and which shall contain the following information:
1. The name and signature of the author, and the author's address and telephone number;
  2. Plans shall show the actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
  3. Plans shall show all required building setback lines, buffer zones, and open space required by this chapter;
  4. Plans shall show the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
  5. Plans shall show the current zoning classification of the property including zoning conditions and zoning variances, if any;
  6. Plans shall show the existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
  7. Plans shall show such other information as may be required by the ~~director of planning~~ **Community Development Director or his/her designee** with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.
- B. Plans shall be returned to the owner when the plans have been approved by the ~~director of planning~~ **Community Development Director or his/her designee** .
- C. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.
- D. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

(Ord. of 8-2-2017, § 1(7.7.5))

### Sec. 7.7.6. Issuance of development permits.

All development permits shall be issued by the ~~director of planning~~ **Community Development Director or his/her designee** , which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval. Development permits issued on properties in an R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district (or prior classifications of retired districts of CH, TND, or any PC district) shall be in compliance with the final plans approved by the ~~director of planning~~ **Community Development Director or his/her designee**. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.6))

#### **Sec. 7.7.7. Duration of validity of development permits.**

A development permit shall be valid for two years from its issuance subject to the following provisions:

- A. If the work authorized in any development permit has not begun within six months from the date of issuance thereof, the permit shall expire.
- B. If the work described in any development permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire.

(Ord. of 8-2-2017, § 1(7.7.7))

#### **Sec. 7.7.8. Building inspection.**

The building inspection duties of the ~~director of planning~~ Community Development Director or his/her designee with respect to this chapter shall include, but not be limited to:

- A. Issuance of building permits in accordance with all provisions of this chapter and only after the ~~director of planning~~ Community Development Director or his/her designee has issued a development permit.
- B. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the ~~director of planning~~ Community Development Director or his/her designee shall immediately initiate appropriate legal action to ensure compliance.
- C. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.

(Ord. of 8-2-2017, § 1(7.7.8))

#### **Sec. 7.7.9. Records.**

The ~~director of planning~~ Community Development Director or his/her designee shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The ~~director of planning~~ Community Development Director or his/her designee shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accordance with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

(Ord. of 8-2-2017, § 1(7.7.9))

#### **Sec. 7.7.10. Inspection; right of entry.**

Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the ~~director of planning~~ Community Development Director or his/her designee may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

(Ord. of 8-2-2017, § 1(7.7.10))

### **Sec. 7.7.11. Inspection; warrants.**

The ~~director of planning, Community Development Director or his/her designee~~ in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the ~~director of planning~~ o **Community Development Director or his/her designee** r his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

- A. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:
  1. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
  2. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.
- B. An inspection warrant shall be validly issued only if it meets all of the following requirements:
  1. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
  2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
  3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
  4. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. of 8-2-2017, § 1(7.7.11))

### **Sec. 7.7.12. Remedies.**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the municipal court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the ~~director of planning- Community Development Director or his/her designee~~ may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

(Ord. of 8-2-2017, § 1(7.7.12))

### Sec. 7.7.13. Notice to stop work; revocation of permits.

Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the ~~director of planning~~ **Community Development Director or his/her designee** may order the work stopped in accordance with the provisions of chapter 7. The ~~director of planning~~ **Community Development Director or his/her designee** may revoke any building permit or certificate of occupancy for any land, building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

(Ord. of 8-2-2017, § 1(7.7.13))

### Sec. 7.7.14. Fees.

Fees and charges for permits and inspections shall be as established by official action of the governing authority.

(Ord. of 8-2-2017, § 1(7.7.14))

### Sec. 7.7.15. Certificates of occupancy.

Certificates of occupancy are required as follows and shall be issued by the ~~director of planning~~ **Community Development Director or his/her designee** only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:

- A. *For new or altered structures and uses.* No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the ~~director of planning~~ **Community Development Director or his/her designee**. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the ~~director of planning~~ **Community Development Director or his/her designee** to issue such certificate of occupancy if the ~~director of planning~~ **Community Development Director or his/her designee** finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the ~~director of planning~~ **Community Development Director or his/her designee** finds that all of the requirements of this chapter have not been met.
- B. *Temporary certificates of occupancy.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of chapter 7, and the ~~director of planning~~ **Community Development Director or his/her designee** may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.
- C. *Certificates of occupancy for existing uses or structures.* An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the ~~director of planning~~ **Community Development Director or his/her designee** and shall require all professional surveys or certifications required by the ~~director of planning~~ **Community Development Director or his/her designee** to adequately comply with said request. The ~~director of planning~~ **Community Development Director or his/her designee** shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the ~~director of planning~~ **Community Development Director or his/her designee**, if in conformance with the

requirements of this chapter, the ~~director of planning~~ **Community Development Director or his/her designee** shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(7.7.15))

#### **Sec. 7.7.16. Violations of this chapter.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.16))

#### **Sec. 7.7.17. Penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in municipal court shall be punished as is provided in section 1-11 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five years, except to the extent prohibited by law.

(Ord. of 8-2-2017, § 1(7.7.17))

#### **Sec. 7.7.18. Repeal of conflicting ordinances; validity of prior approvals and actions.**

Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approvals or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County; provided, further, that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

(Ord. of 8-2-2017, § 1(7.7.18))

#### **Sec. 7.7.19. Reserved.**

### **ARTICLE 8. NONCONFORMITIES**

#### **Sec. 8.1.1. Statement of intent and purpose.**

Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of the ordinance from which this chapter is derived's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future

amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

(Ord. of 8-2-2017, § 1(8.1.1))

### Sec. 8.1.2. Applicability.

- A. *Applicability.* Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 8.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.
- B. *Documentation.* An owner or applicant may request from the ~~director of planning~~ **Community Development Director or his/her designee** a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the ~~director of planning~~ **Community Development Director or his/her designee** will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.
- C. *Evidence that a nonconforming situation was authorized when established.* Standard evidence that the proposed nonconforming situation was authorized, or legal, when established, includes, but is not limited to, the following:
  - 1. Building or land disturbance permits;
  - 2. Business licenses;
  - 3. Adopted zoning ordinances or maps in force at the time of permitting;
  - 4. Conditions of zoning;
  - 5. Other appropriate evidence as determined by the ~~director of planning~~ **Community Development Director or his/her designee** or designee.
- D. *Evidence that a nonconforming situation has been continuously maintained since inception.* Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception, includes, but is not limited to:
  - 1. Utility bills;
  - 2. Tax records;
  - 3. Business licenses;
  - 4. Advertisements in dated publications;
  - 5. Insurance policies;

6. Leases;
  7. Receipts; and
  8. Other appropriate evidence as determined by the ~~director of planning or designee.~~ **Community Development Director or his/her designee**
- E. *Evidence of discontinuance or abandonment.* When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the ~~director of planning~~ **Community Development Director or his/her designee** may consider evidence of the following:
1. Failure to maintain regular business hours, typical or normal for the use;
  2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
  3. Failure to maintain utilities that would be used for the active operation of the use;
  4. Failure to pay taxes, including, but not limited to, sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
  5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
  6. Failure to maintain applicable business licenses; and
  7. Other appropriate evidence as determined by the ~~director of planning.~~ **Community Development Director or his/her designee**
- F. *Change to a conforming situation.* A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.
- G. *Maintenance.* Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.
- H. *Strengthening and restoring to safe condition.* Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared unsafe by the ~~director of planning.~~ **Community Development Director or his/her designee** and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of the regulation of section 8.1.15 regarding reconstruction of damaged or destroyed nonconforming structures.

(Ord. of 8-2-2017, § 1(8.1.2))

### **Sec. 8.1.3. Legal nonconforming lot.**

A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

(Ord. of 8-2-2017, § 1(8.1.3))



#### **Sec. 8.1.4. Legal nonconforming single-family lots; lot merger requirements.**

- A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.
- B. Two or more contiguous lots of record that are held in common ownership on the effective date of the ordinance from which this section is derived or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. of this section. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.
- C. Two or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. of this section unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 7 of this chapter.
- D. Whenever a variance from the strict application of subsection B. of this section is sought with respect to properties located within an historic district, as defined in section 14-410, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

(Ord. of 8-2-2017, § 1(8.1.4))

#### **Sec. 8.1.5. Nonconforming use.**

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

- A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.

- B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
- C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. of 8-2-2017, § 1(8.1.5))

#### **Sec. 8.1.6. Nonconforming structures.**

- A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8 of this chapter.
- B. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8 of this chapter.
- C. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 8.1.16.

(Ord. of 8-2-2017, § 1(8.1.6))

#### **Sec. 8.1.7. Landscaping and screening requirements for new or additional parking, service or storage areas.**

New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

(Ord. of 8-2-2017, § 1(8.1.7))

#### **Sec. 8.1.8. Nonconforming parking.**

On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 7 of this chapter.

(Ord. of 8-2-2017, § 1(8.1.8))

#### **Sec. 8.1.9. Prior nonconformities.**

The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 8.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.

A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(8.1.9))

#### **Sec. 8.1.10. Nonconforming signs.**

See chapter 21, signs for provisions regarding nonconforming signs.

(Ord. of 8-2-2017, § 1(8.1.10))

#### **Sec. 8.1.11. Nonconformities caused by government action.**

If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have nonconforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

(Ord. of 8-2-2017, § 1(8.1.11))

#### **Sec. 8.1.12. Rezoning that results in nonconforming structures.**

For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

(Ord. of 8-2-2017, § 1(8.1.12))

#### **Sec. 8.1.13. Nonconforming uses requiring a special administrative zoning permit or special land use permit.**

No use, building or structure that was authorized as of right prior to the effective date of the ordinance from which this chapter is derived but would require a special administrative zoning permit or special land use permit upon the effective date of the ordinance from which this chapter is derived, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative zoning permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

(Ord. of 8-2-2017, § 1(8.1.13); Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023)

#### **Sec. 8.1.14. Buildings and structures where construction has begun.**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of the ordinance from which this chapter is derived or amendment thereto, provided:

- (i) Any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 9 of this chapter;
- (ii) Such permit or approval has not by its own terms expired; and
- (iii) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

(Ord. of 8-2-2017, § 1(8.1.14))

#### **Sec. 8.1.15. Reconstruction of damaged or destroyed nonconforming structures.**

A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the ~~director of planning~~, **Community Development Director or his/her designee** may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the ~~director of planning~~ **Community Development Director or his/her designee** to have been damaged to an extent that the estimated cost of reconstruction exceeds 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

(Ord. of 8-2-2017, § 1(8.1.15))

#### **Sec. 8.1.16. Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.**

- A. Major redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.
- B. Minor redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.
- C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.
- D. Notwithstanding subsections A., B., and C. of this section, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

(Ord. of 8-2-2017, § 1(8.1.16))

### **Sec. 8.1.17. Prior variances, special exceptions, and special permits authorized.**

Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

(Ord. of 8-2-2017, § 1(8.1.17))

## ***ARTICLE 9. DEFINITIONS/MAPS***

### **Sec. 9.1.1. Statement of intent and purpose.**

The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(Ord. of 8-2-2017, § 1(9.1.1))

### **Sec. 9.1.2. Interpretation.**

For the purpose of this chapter, words and terms are to be interpreted as follows:

- A. Unless the obvious construction of the terming indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.
- B. The term "shall" means "must" or "is mandatory."
- C. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- D. The term "lot" shall be deemed also to mean "plot"; the term "used" shall be deemed also to include "designed," "intended," or "arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."
- E. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
- F. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

(Ord. of 8-2-2017, § 1(9.1.2))

### **Sec. 9.1.3. Defined terms.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

*A-weighted sound level* means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the A-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

*Abandonment* means the relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

*Abutting* means having property or district lines in common. This does not include property separated by a road or right-of way.

*Accessory building* means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

*Accessory dwelling unit.* See *Dwelling unit, accessory*.

*Accessory equipment.* See section 4.2.57.B.

*Accessory structure* means a structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with *Building, primary*.

*Accessory use* means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 of this chapter for supplemental regulations.

*Active recreation* means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

*Activity center* means a character area designed by the Comprehensive Plan.

*Adaptive reuse* means buildings and sites constructed and developed originally for one use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

*Adjoining property* means a property that touches or is directly across a street, easement or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

*Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of the items;
- (2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;
- (3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;
- (4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);

- (5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);
- (6) The establishment regularly offers for sale or rental at least 2,000 of the items;
- (7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using the terms "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or
- (8) The establishment maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

*Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

*Adult day care* means the provision of a comprehensive plan of services that meets the needs of aging adults, under a social model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

*Adult day center* means a facility serving aging adults that provides adult day care or adult day health services for compensation, to three or more persons. This term shall not include a respite care services program.

*Adult day health services* means the provision of a comprehensive plan of services that meets the needs of aging adults under a medical model. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

*Adult motion picture theater* means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

*Affordable housing* means housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than 28 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

*Aggrieved person* means a person who either:

- (a) Is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or
- (b) Has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

*Aging adults* means persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

*Agricultural activities* means activities performed in order to cultivate the soil, produce crops, or raise livestock.

*Agricultural produce stand* means a temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

*Alcohol outlet* means a retail establishment that sells beer, malt beverages, hard cider, and/or wine for off-site consumption. This includes grocery stores and retail stores, less than 12,000 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

*All-weather material* means a hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

*Alley* means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

*Alternative energy production* means an energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

*Alternative fuel vehicle* means a vehicle that runs on a fuel other than traditional petroleum fuels (petrol or diesel) including means biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to 85 percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

*Amateur radio service* means radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

*Amateur radio service antenna structure* means a tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

*Ambulance service facility* means a privately-owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

*Amenity* means a natural or manmade feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

*Amplified sound reproduction device* means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

*Amusement park* means an outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

*Animal* means any vertebrate member of the animal kingdom, excluding humans.

*Animal exhibitions.*

*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 Section 4.3.1. Temporary outdoor uses, general requirements; Section 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Section 4.3.5. Temporary outdoor events.

*Animal hospital* means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

*Animal shelter/rescue center* means a facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

*ANSI* means the American National Standards Institute.

*Antenna*. See section 4.2.57.B.

*Antique shop* means a place offering antiques for sale. An antique, for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

*Apartment*. See *Dwelling, multifamily*.

*Apartment unit* means One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four or more dwelling units.

*Apiary* means a place where beehives of honey bees are kept.

*Apiculture*. See *Beekeeping*.

*Apparel store* means a retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

*Appeal* means a review authorized by this chapter of any final order, requirement, or decision of the ~~planning director or designee~~ **Community Development Director or his/her designee** that is based on or made in the enforcement of this chapter.

*Applicant* means a person who acts in his own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the ~~director of planning~~ **Community Development Director or his/her designee**.

*Arcade* means an area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times.

*Archaeological resource* means any material remains of past human culture or activities which are of archaeological interest, including, but not limited to, the following means basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least 200 years of age.

*Art, private*, means a work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

*Art, public*, means any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city-owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

*Art gallery* means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. The term "art gallery" does not include libraries, museums, or noncommercial art galleries.

*Articulated facade* means a building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

*Asphalt manufacturing* means an industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

*Assembly hall* means a meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally, including, but not limited to, schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

*Assisted living facility* means a multifamily structure whose occupants are 55 years of age or older, or where each unit is occupied by at least one person who is 55 years of age, and where occupants receive assistance with daily living activities.

*Atrium* means an open hall lighted from above, into which rooms open at one or more levels.

*Attic* means an open space at the top of a house just below the roof; often used for storage.

*Authorized (permitted) use* means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

*Automobile* means a self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

*Automobile and truck rental and leasing* means a business that rents or leases automobile or light trucks, and may store the automobiles and trucks on the same site as the business office.

*Automobile brokerage* means the business of providing services for the purchase or leasing of a vehicle, whether noncommercial or commercial and including trailers and RVs. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

*Automobile dealership*. See *Automobile sales*.

*Automobile mall* means a single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

*Automobile manufacture* means a facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.

*Automobile parts or tire store* means a building that is used for the retail sale of new or used parts or tires for noncommercial vehicles. The term "automobile parts or tire store" does not include outdoor storage yards.

*Automobile recovery and storage* means a facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See *Vehicle storage* and *Tow service*.

*Automobile rental and leasing* means a business that rents or leases automobiles.

*Automobile repair, major*, means a business that services passenger vehicles, including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

*Automobile repair, minor*, means a business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

*Automobile sales* means a business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See *Automobile mall*, *Automobile brokerage*.

*Automobile service station* means a building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses means convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair, as defined in this chapter.

*Automobile upholstery shop* means a building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

*Automobile wash/wax service* means a building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles, as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

*Automobile wrecking yard*. See *Salvage yard*.

*Awning* means a roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

*Balcony* means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

*Bank, credit unions or other similar financial institutions* means any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial

services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending.

*Barber shop* means an establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

*Beauty salon* means a commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

*Bed and breakfast establishment* means accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than 30 consecutive days.

*Bedroom* means a private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

*Beekeeping* means the maintenance of honey bee colonies, commonly in hives, by humans.

*Beer growler* means an alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. The term "beer growler" does not include distilled liquor sales.

*Beer or malt beverage* means any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Best management practices (BMP)* means activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to:

- a) Control soil loss, protect natural features such as trees, and reduce water quality degradation;
- b) Control drainage from outside storage of materials;
- c) Minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and
- d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

*Blight* means a state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair, including, but not limited to, peeling paint, broken windows, deteriorating wood. Also see chapter 18, article IV of the Code.

*Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

*Block* means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the ~~director of planning~~ **Community Development Director or his/her designee** may delineate the outline of the block.

*Blockface* means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

*Boarding house* means a building containing one or more lodging units but not more than 20 lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

*Bona fide employee* means a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

*Borrow pit* means a pit from which sand, gravel or other construction material is taken for use as fill in at another location.

*Brewpub* means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

*Brewery, craft (also known as micro-brewery)* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 barrels in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

*Brewery, large scale* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 barrels in a calendar year.

*Broker* means a party that mediates between a buyer and a seller.

*Buffer* means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

*Buildable area* means the area of a lot remaining after all setback requirements, including buffers, have been met.

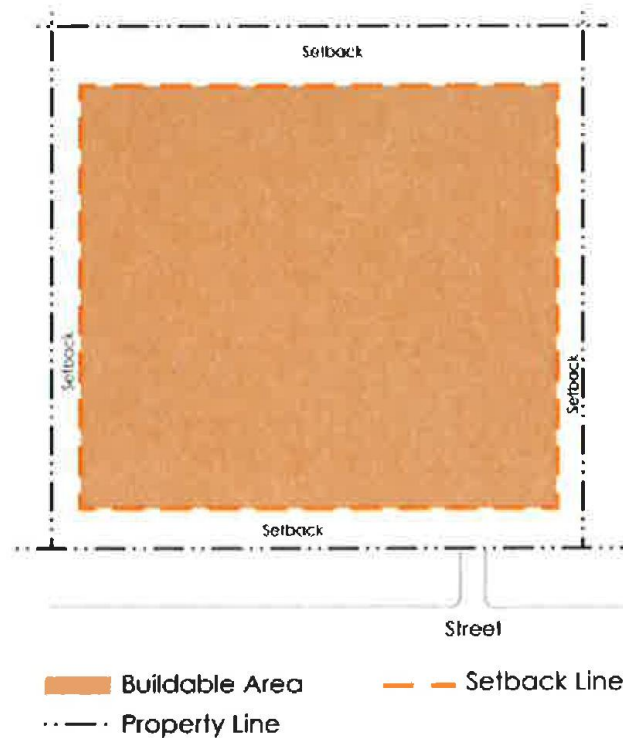


Figure 9.1 Buildable Area

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building, accessory.* See *Accessory building*.

*Building coverage* means the maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. The term "building coverage" does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

*Building entrance feature* means an architecturally designed element for entrances and exits of the building.

*Building footprint* means the outline of the total area covered by a building's perimeter at the ground level.

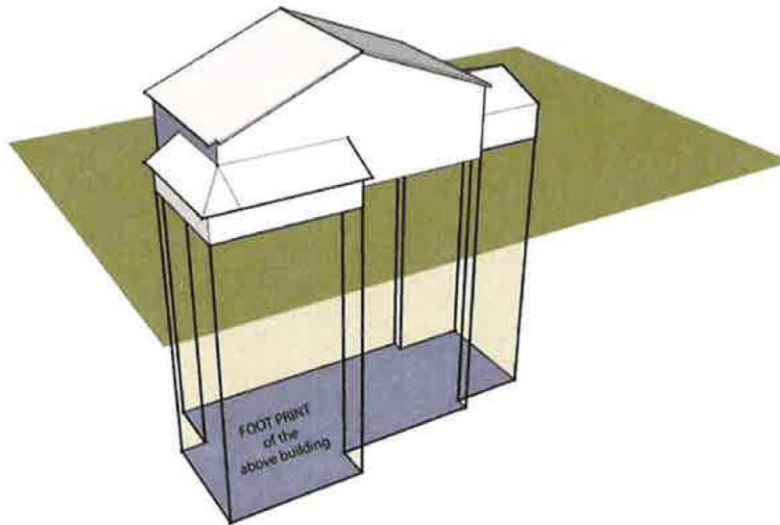


Figure 9.2 Illustration of Building Footprint

*Building form* means a design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include means the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

*Building frontage* means the maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one or more entrances to the main part of the building or store.

*Building height* (as to all structures with the exception of single-family detached dwellings) means the vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5 of this chapter.

*Building height* (as to single-family detached dwellings) means the vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5 of this chapter.

*Building mass* means the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

*Building materials supply establishment* means a facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

*Building, primary or principal*, means a structure in which is conducted the principal use of the lot on which it is located.

*Building scale* means the relationships of the size of the parts of a structure to one another and to humans.

*Building width* means the distance from the exterior face of the building siding as measured from side to side.

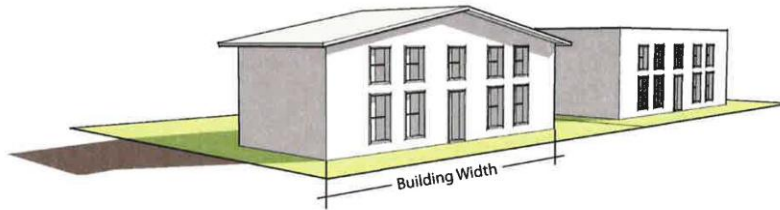


Figure 9.3 Illustration of Building Width

Figure 9.3 Illustration of Building Width

*Bulkhead* means a structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

*Bury pit* means a place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

*Bus or rail station or terminal* means a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.

*Bus rapid transit (BRT)* means a permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

*Business service establishment* means an entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services means advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

*Business vehicle* means vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. The term "business vehicle" may include, but is not limited to, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

*C-weighted sound level* means the sound level reported in units of dB(C) as measured using the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

*Campus style development* means a development type which is primarily characterized by having several separate buildings on one site, unified through design and landscape elements.

*Canopy* means a protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

*Canopy tree* means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

*Car wash* means a facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

*Car wash, self-service*, means a car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

*Cat* means a feline that has reached the age of six months.

*Catering establishment* means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.



*Cellar* means a space having less than one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet.

*Cemetery* means property used for the interring of the dead. See *Georgia cemetery regulations*.

*Chapel*. See *Place of worship*.

*Characterized by* in the definition of a sexually oriented business means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

*Check cashing facility* means a person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

*Child care facility*: A building(s) in which housing, meals, and 24-hour continuous watchful oversight of six or more children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or child care facility."

*Child care home*: A building(s) in which housing, meals, and 24-hour continuous watchful oversight for up to five (5) children under the age of 18 are provided. The term "child caring institution" shall not include a "child day care center or facility."

*Child caring institution* means a building in which housing, meals, and 24-hour continuous watchful oversight for children under the age of 18 are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a child daycare center or facility.

*Child caring institution, community*, means a child caring institution that offers care to seven or more children.

*Child caring institution, group*, means a child caring institution that offers care to between four and six children.

*Child day care center*: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven or more children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. The term "child caring institution" shall not include a "child day care center or child care facility."

*Child daycare facility* means an establishment operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under the age of 18 years for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child daycare facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

*Church*. See *Place of worship*.

*Cistern* means an underground reservoir or tank for storing rainwater.

*City* means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

*Clinic, health services*, means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center,

rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

*Club, private*, means a group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. The term "private club" shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

*Clubhouse* means a structure in which the activities of a private club are conducted.

*Cluster housing development* means a development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

*Coin laundry* means an establishment with coin-operated clothing washing machines and dryers for public use.

*Coliseum* means a large building with tiers of seats for spectators at sporting or other recreational events.

*Collector street* means a street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

*College* means a post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. The term "college" shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

*Collocation*. See section 4.2.57.B.

*Colonnade* means a series of columns placed at regular intervals, usually supporting a roof.

*Columbarium* means a structure with niches for the placement of cinerary urns.

*Commercial district* means any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

*Commercial entertainment* means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.

*Commercial parking garage/structure* means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

*Commercial parking lot* means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

*Commercial truck parking lot* means an uncovered or unsheltered surface lot designed, constructed and used for the parking of motor trucks with a minimum of 5-axes or more for profit.

*Common open space* means open space designed for common use by all property owners in the development.

*Common ownership* means ownership as recognized by law of real property by one or more persons, their parents, brothers, sisters, children over the age of 18, spouses or any association, firm, corporation or partnership

in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten or more percent.

*Community garden.* See *Urban garden*.

*Community living arrangement.* See *Personal care home*.

*Compact design* means the design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

*Compatible* (as used in article 2 of this chapter, purpose and intent for each established district) means land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

*Complainant* means any person who has registered a noise or code complaint with an authorized enforcement agency that he is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

*Complete or complete application* means When used in conjunction with an application under this zoning ordinance, the term "complete" or "complete application" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the ~~director of planning~~ **Community Development Director or his/her designee.**

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Comprehensive plan* means the DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

*Concert hall* means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

*Conditional approval* means the imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

*Condominium* means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

*Condominium unit* means a unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

*Connectivity ratio* means a ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

3. A node shall be the terminus of a street or the intersection of two or more streets. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node. A divided entrance shall only count once.

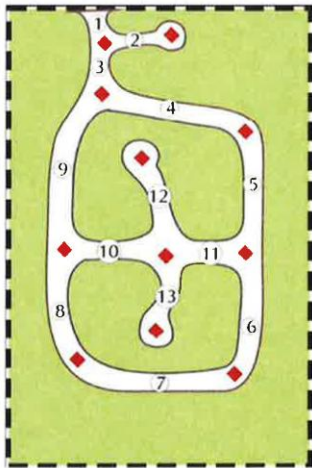


Figure 9.4 Example 1: Does not meet ratio

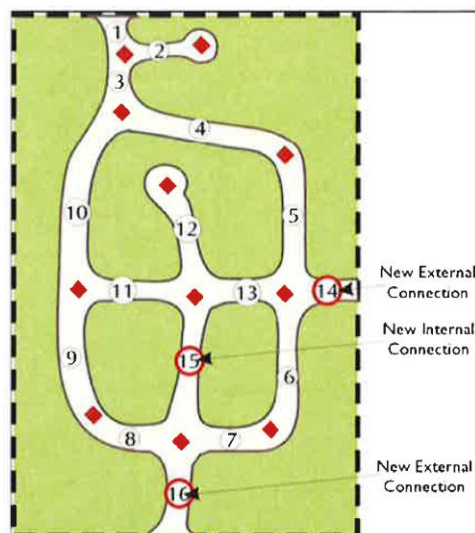


Figure 9.5 Example 2: Modified to meet ratio

*Conservation area* means any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

*Conservation easement* means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

*Construction* means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

*Continuing care retirement community* means a residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units, as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

*Continuous sound* means any sound with duration of more than one second, as measured with a sound level meter set to the slow meter response.

*Contractor, general*, means a contractor or builder engaged in the construction of buildings like residences or commercial structures.

*Contractor, heavy construction*, means a contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

*Contractor, special trade*, means Industries in the special trade contractors subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

*Convalescent home* means a nursing care facility.

*Convenience store* means any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. The term "convenience store" may also include accessory fuel pumps.

*Convent* means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

*Cornice* means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

*Corridor* means a broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

*County or city solid waste* means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term "county or city solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

*County or city solid waste disposal facility* means any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and, includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

*County or city solid waste landfill* means a disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*Craft brewery (also known as micro-brewery)* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

*Craft distillery (also known as micro-distillery)* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled

spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

*Cremation* means the reduction of a dead human body or a dead animal body to residue by intense heat.

*Crematorium* means a location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

*Cultural facility* means a building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including, but not limited to, an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

*Curb cut* means a curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

*Dairy* means a commercial establishment for the manufacture, processing, or sale of dairy products.

*Dance school* means a school where classes in dance are taught to four or more persons at a time.

*Day* means, unless otherwise stated, calendar days.

*Day spa*. See *Health spa*.

*Decay resistant wood* means wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

*Decibel (dB)* means the unit for the measurement of sound pressure based upon a reference pressure of 20 micropascals (zero decibels), i.e., the average threshold of hearing for a person with very good hearing.

*Deciduous tree* means a tree that loses all of its leaves for part of the year.

*Deficiencies* means exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to, uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. The term "deficiencies" shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

*DeKalb County Transportation and Thoroughfare Plan* means the DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

*Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways whether manmade or natural occurring both above and below ground.

*Demolition of an infill building* means the destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

*Density* means the number of dwelling units per gross acreage of land.

*Dental clinic*. See *Office, dental*.

*Department of community affairs (DCA)* means the state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

*Department store* means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited, and sold directly to the customer for whom the goods and services are furnished.

*Deterioration* means a condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

*Development permit* means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

*Development of regional impact (DRI)* means a large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

*~~Director of Planning~~ **Community Development Director*** means the Director of the ~~Department of Planning and Zoning~~ **Planning and Zoning Division, Building Division, Land Development Division and Code Enforcement Division**

*Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

- (1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent often percent or more; that his service in the Armed Forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.
- (2) A veteran of peace-time service in the United States Armed Forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the Armed Forces of the United States was terminated under conditions other than dishonorable.
- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

*Dispatch office* means an office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

*Disposal facility* means any facility or location where the final deposition of solid waste occurs, including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

*Distillery, craft (also known as micro-distillery)* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 barrels per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

*Distillery, large-scale* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 barrels per calendar year.

*District, authorized zoning.* A zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

*District, base zoning.* See Underlying District

*District, governing zoning.* An underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers.

*District, overlay zoning.* A zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

*District, underlying zoning.* Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

*District, zoning.* Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform.

*Dog* means a canine that has reached the age of six months.

*Dog daycare* means any premises containing four or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on-site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog daycare. See *Kennel, commercial*.

*Dog grooming* means the hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

*Dormitory* means a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

*Dripline* means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Drive-in theater* means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

*Drive-through facility* means a business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

*Drive-through restaurant* means a retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service



window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

*Driveway* means a private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

*Dry cleaning agency* means an establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

*Durable materials* means Materials that can resist wear, tear and decay from use, time and other conditions like weather.

*Dwelling, cottage home* means small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

*Dwelling, mobile home.* See *Mobile home*.

*Dwelling, multifamily.* See *Dwelling unit, multifamily*.

*Dwelling, single-family,* means a building designed for and containing one dwelling unit.

*Dwelling, single-family attached,* means a dwelling unit located in a building in which multiple units are attached by a common party wall.

*Dwelling, single-family detached,,* means a dwelling unit on an individual lot unattached to another dwelling unit.

*Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District,* means single-family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

*Dwelling, three-family or triplex,* means a building designed for and containing three dwelling units.

*Dwelling, two-family or duplex,* means a building designed for and containing two dwelling units.

*Dwelling, urban single-family,* means residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

*Dwelling unit* means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Dwelling unit, accessory,* means a dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

*Dwelling unit, efficiency or studio,* means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

*Dwelling unit, multifamily,* means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units.

*Dyeworks* means a facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

*Eating and drinking establishments* mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within

the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto.

*Edifice* means a building or a structure, especially one of imposing appearance or size, which has a roof and walls and stands permanently in one place.

*Elevation* means an architectural term referring to the view of a building seen from one side; it is a flat representation of one facade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

*Elevation height* means above sea level or ground level. See *Grade, existing*.

*Emergency work* means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

*Enclosed area* means an area surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

*Encroachment* means a building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

*Essential services* means the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

*Environmental contamination* means a presence of hazardous substances in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

*Exceptional topographical restrictions* means the physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

*Explosive manufacture or storage* means the manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

*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.

*Exterior insulation and finishing system (EIFS)* means a type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

*Extraneous sound* means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

*Facade* means One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the facade of a building is often the most important from a design standpoint, as the facade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

*Facade, primary*, means refers to the exterior building wall considered the front and features the main entrance to the building. The term "facade, primary," is synonymous with front facade.

*Fair market value* means the price a property would likely bring if offered for sale in the marketplace.

*Fairgrounds* means an area of land use, including, but not limited to, agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. The term "fairgrounds" do not include racetracks or motorized contests of speed.

*Family* means one or more individuals related by blood, marriage, adoption, or legal guardianship, or not more than three unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. The term "family" shall include three or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 USC 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one person.

*Family daycare home* means a private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than 24 hours per day, not more than six persons who are not residents in the same private residence. For the purposes of this zoning ordinance, a family daycare home may be operated as a home occupation, subject to the requirements of this chapter.

*Family-oriented entertainment venues* means places of entertainment intended to serve families.

*Farm equipment and supplies sales establishment* means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

*Farm winery*: A winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and; is located on the premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

*Farmer's market* means a market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value added products.

*Farming, active*, means the growing of crops, plants, and trees. The term "farming, active," also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

*Fascia* means a type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

*Fat rendering* means any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

*Feature*, in the definition of a sexually oriented business, means to give special prominence to.

*Fee simple ownership* means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. The term "fee simple ownership" includes the land immediately underneath a unit, and may or may not include land in front of and behind a building.

*Fee simple condominium declaration* means an official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee

simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

*Fee simple condominium development* means a development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately-owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

*Fence* means a structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the ~~director of planning~~. **Community Development Director or his/her designee.**

*Fenestration* means the arrangement, proportioning, and design of windows and doors in a building.

*Fertilizer manufacture* means the manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

*Fitness center* means building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, meditation and other healing arts. The term "fitness center" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

*Flea market* means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Floodplain* means land within the special flood hazard area (SFHA) or covered by the future conditions flood, as defined in chapter 14 of the Code.

*Floodway* means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

*Floor area* means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For nonresidential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

*Floor area of accessory building* means the gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

*Floor area ratio (FAR)* means the relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For the purposes of this calculation, parking areas or structures shall not be included in floor area.

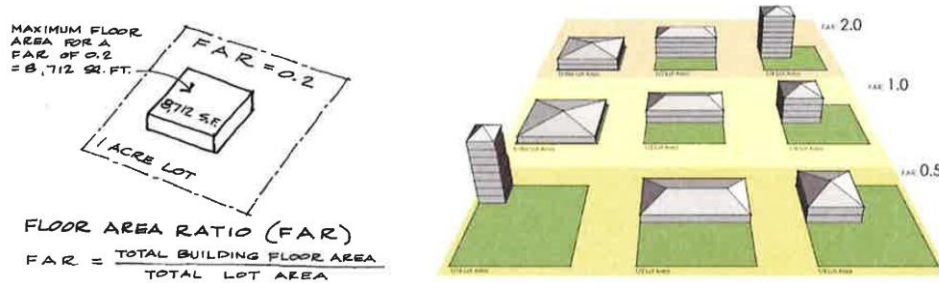


Figure 9.6 Illustration of Floor Area Ratio (FAR)

*Floor space*, as referenced in the definition of the terms "adult bookstore" or "adult video store," means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

*Florist* means an enclosed retail business whose principal activity is the selling of plants which were grown off-site.

*Food truck* means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.

*For rent*: Constructed for the express purpose and intent of offering to the general public for lease and not intended For Sale.

*For rent community*: A residential Subdivision or Development with more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owners.

*For sale*: Constructed for the express purpose and intent of offering to the general public for purchase.

*For sale community*: A residential Subdivision or Development with no more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owners.

*Forestry* means establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

*Fortunetelling* means and includes all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

*Fraternal organization* means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also *Club*.

*Fraternity house* means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

*Freestanding wall* means a wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

*Freeway* means a multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

*Freight service* means an establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may, in turn, make use of other transportation establishments in effecting delivery. The term "freight service" includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

*Frequency* means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

*Frontage, lot*, means the horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

*Front facade*. See *Facade, primary*.

*Fuel and ice dealer, manufacturer and wholesaler* means an establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

*Full kitchen*: A kitchen designed, intended and equipped to produce meals for sale to the general public as a major function of the business.

*Funeral home* means a building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See *Crematorium*.

*Furniture sales and showroom* means a retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

*Garage* means a part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

*Garage, parking*. See *Parking garage* or *Parking structure*.

*Gas regulator station* means an assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. The term "gas regulator station" may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

*General business office*. See *Office, professional*.

*Gift shop* means a retail store where items such as art, antiques, jewelry, books, and notions are sold.

*Glue manufacture* means the manufacturing of glue, epoxy, sealant or other adhesives.

*Go-cart* means a small low motor vehicle, with four wheels and an open framework, used for racing.

*Go-cart concession* means a place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

*Go-cart track* means a track or network of tracks used for the racing of go-carts.

*Golf course* means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

*Government facilities* means buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar uses.

*Grade, average finished*, means the average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two.

*Grade, existing*, means the elevation of the ground surface before development.

*Grade, finished*, means the final grade of the ground surface after development.

*Grassed playing fields* means reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including, but not limited to, walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

*Gravel pit* means an open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

*Grazing land, pasture land* means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year.

*Greenhouse, commercial*, means a retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

*Greenspace* means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

*Grid pattern* means a continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

*Grocery store* means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

*Ground cover* means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six-inch caliper.

*Group homes*. See *Child care institution*, *Personal care homes*, *Transitional housing facility*.

*Growler* means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

*Growler store* means a retail store that sales [sells] growlers.

*Gym*. See *Fitness center*.

*Hardscape* means the inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

*Hardship* means a condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

*Hardware store* means a facility of 30,000 or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

*Health spa* means a nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application

and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

*Heavy equipment repair, service or trade* means a building or lot used for the repair, servicing, lease or sale of heavy equipment.

*Heavy industrial. See Industrial, heavy.*

*Heavy manufacturing. See Industrial, heavy.*

*Heavy vehicle repair* means major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

*Heliport* means an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

*High-rise building or structure* means a building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access of three stories or greater unless otherwise defined by individual zoning or overlay district.

*High-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay District that is nine or more stories in height.

*High-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay District that is 11 or more stories in height.

*Historic* means a building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under section 106 of the National Historic Preservation Act, as amended.

*Hobby, toy and game store* means a retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

*Home improvement center* means a facility greater than 30,000 square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

*Home occupation* means an occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. The term "home occupation" does not include private educational use, as defined in this chapter.

*Hospice* means any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

*Hospital* means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

*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. Held out to the public to be a place where temporary lodging of 30 days or less is offered for pay to guests and is not intended for long term occupancy.

*Household pet* means a domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment, including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

*INCE* means the Institute of Noise Control Engineering.

*Impervious surface* means a surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See *Lot coverage* for exemptions.

*Impulsive sound* means a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second characterized with an abrupt onset and rapid decay.

*Industrial district* means any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, and truck terminals. Such districts include M and M-2 districts.

*Industrial, heavy*, means the building or premises where the following or similar operations are conducted means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

*Industrial, light*, means the following or similar operations means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste, as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes means electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. The term "industrial solid waste" does not include mining waste or oil and gas waste.

*Industrialized building* means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

*Infill building* means any building built or proposed to be built on an infill lot.

*Infill development* means a development surrounded by or in close proximity to areas that are substantially or fully developed.

*Intermediate care home* means a facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

*Intermodal freight terminal* means an industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

*Interparcel access* means a physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

*Items permissible for sale* means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.

*Jewelry repair shop* means Establishment primarily engaged in the provision of jewelry repair services to individuals.

*Junk vehicle* means any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

*Junkyard* means any lot or lot and buildings in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

*Keeping of chickens* means the breeding, boarding, and caring of chickens for personal or agriculture use, or raised for sale and profit.

*Keeping of livestock* means the breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

*Keeping of pigeons* means the breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

*Kennel, breeding*, means a kennel where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

*Kennel, commercial*, means an establishment for the boarding, caring for and keeping of dogs over the age of six months other than a breeding kennel or a noncommercial kennel.

*Kennel, noncommercial*, means an establishment for the boarding, caring for and keeping of more than three but not more than ten dogs over the age of six months, not for commercial purposes.

*Kidney dialysis center* means an establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

*Kindergarten* means an establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven or more children who are under the age of seven years for less than 24 hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child daycare center or facility.

*Kiosk* means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

*Kitchenette* means a small, compact apartment kitchen, often part of another room utilized for different activities.

*Kitchen facilities* means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

*Kitchens* may include, but are not limited to counters, refrigerators, stoves, and ovens.

*Laboratories (medical/dental)* means a facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

*Land use* means a description of how land is occupied or utilized.

*Landfill* means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

*Landscape area* means an area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

*Landscape business* means a business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

*Landscape strip* means a strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

*Landscaped space* means the areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

*Large-scale brewery* means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

*Large-scale distillery* means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

*Large-scale retail* means a singular retail or wholesale user who occupies no less than 60,000 square feet of gross floor area.

*Late-night establishment* means any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

*Laundry* means a facility used or intended to use for washing and drying of clothes and fabrics.

*Laundry, coin operated*, means a self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

*Laundry pick-up station* means a facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on-site. See *Dry cleaning agency*.

*Leachate collection system* means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

*Leasing office* means a facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

*Library* means a public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

*Light industrial.* See *Light manufacturing establishment*.

*Light malt beverage manufacturer* means a malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also *Brewpub*.

*Light manufacturing.* See *Industrial, light*.

*Liner building* means a specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

*Liquor store.* See *Alcohol outlet*.

*Live-work unit* means a structure or portion of a structure that combines residential living space with an integrated work space used principally by the occupant of the unit.

*Livestock* means domestic animals and fowl customarily kept on a farm, including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

*Livestock sales pavilion* means any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale.

*Lodge* means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. The term "lodge" shall not include fraternities or sororities. (See also *Fraternal organization*.)

*Lodging unit* means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

*Lot* means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

*Lot area* means the total area within the lot lines of a lot, excluding any street rights-of-way.

*Lot area, net* means the total area of a proposed subdivision on an approved subdivision plat dedicated to individual lots, excluding any area dedicated to public or private street rights-of-way or utility easements.

*Lot, buildable area of.* See *Buildable area*.

*Lot, conforming,* means a designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

*Lot, contiguous,* (as used in section 8.1.4) means lots adjoining the rear or either side of the lots.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection or upon two parts of the same street.

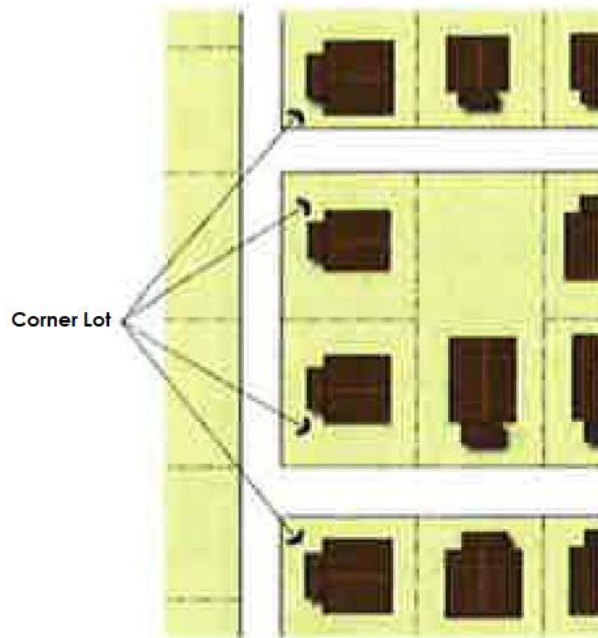


Figure 9.7 Corner Lots

*Lot coverage* means that portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For the purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

*Lot, double-frontage*, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

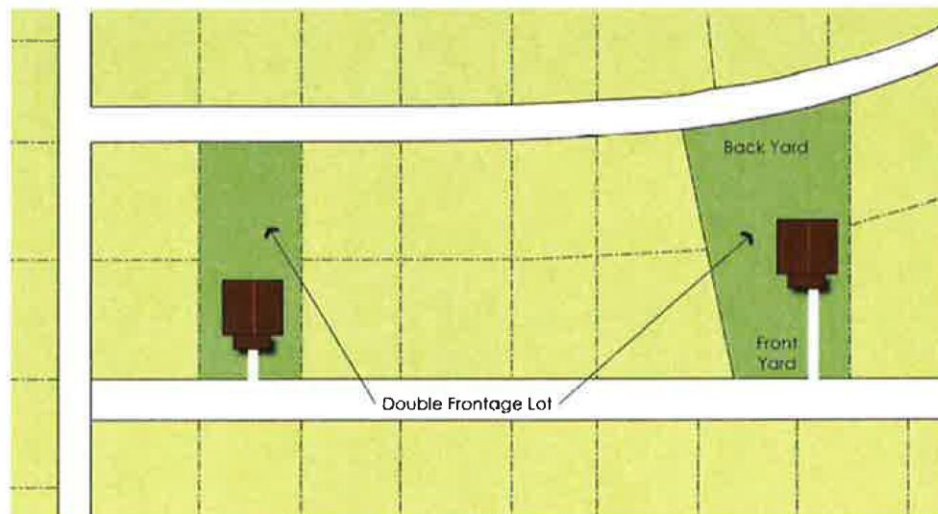


Figure 9.8 Double Frontage Lots

*Lot, flag*, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

*Lot, interior*, means a lot, other than a corner lot, abutting only one street.

*Lot, irregular*, means a lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this article but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

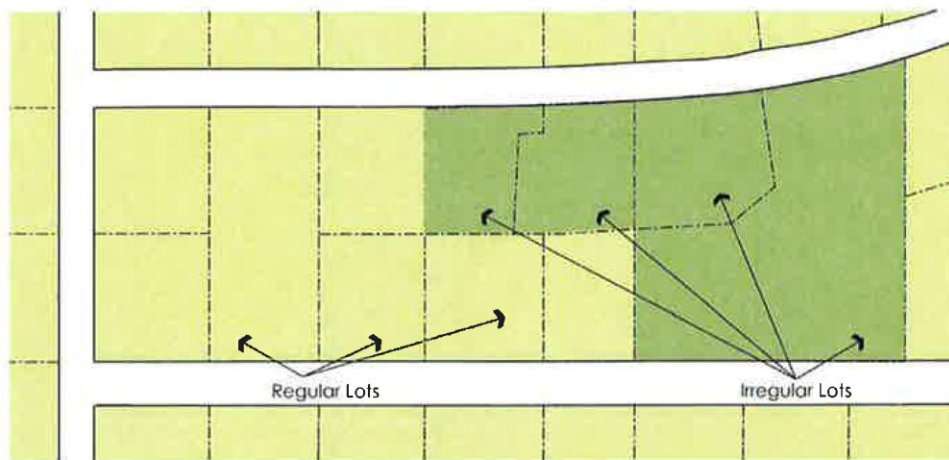


Figure 9.9 Irregular lots

*Lot of record* means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

*Lot of record, nonconforming*, means a designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

*Lot remnant* means any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

*Lot, substandard*, means a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

*Lot width* means the horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

*Low-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay district that is one to four stories in height.

*Low-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay district that is one to three stories in height.

*Lumber supply establishment* means a facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

*Mail room* means a room in an office which mail and package shipments are prepared and deliveries accepted.

*Major automobile repair and maintenance shop*. See *Automobile repair, major*.

*Major intersection* means the intersection of a major arterial street with a major or minor arterial street.

*Major modification.* See section 4.2.57.B.

*Major modification to zoning conditions.* See article 7 of this chapter.

*Major thoroughfare* means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

*Malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

*Manufactured home, Class I,* means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single-family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

*Manufactured home, Class II,* means a single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

*"Manufacturer"* means any maker, producer, or bottler of an alcoholic beverage. The term also means:

In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

In the case of malt beverages, any brewer; and

In the case of wine, any vintner.

*Manufacturing, heavy.* See *Industrial, heavy*.

*Manufacturing, light.* See *Industrial, light*.

*Massage establishment* means any business properly licensed under chapter 15, article VIII that is established for profit and employs one or more massage therapists, operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said chapter 15, article VIII. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

*Materials recovery facility* means a handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Mausoleum* means a building containing aboveground tombs.

*Meat processing* means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

*Medical model* means a comprehensive program that provides aging adults with the basic social, rehabilitative, health, and personal care services needed to sustain essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

*Medium and high density residential zoning districts.* Any of the following zoning districts means r-SM, MR-1, MR-2, HR-1, HR-2, and HR-3.

*Microbrewery*, See *Craft brewery*.

*Micro Home Community (MHC)* means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

*Micro House* means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

*Mid-rise in the I-20 Corridor Overlay District* means a building in the I-20 Corridor Overlay district that is five to eight stories in height.

*Mid-rise in the Stonecrest Area Overlay District* means a building in the Stonecrest Area Overlay district that is four to ten stories in height.

*Mine*:

1. A cavity in the earth from which minerals and ores are extracted; and
2. The act of removing minerals and ores from the earth.

*Mineral extraction and processing* means extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

*Mini-warehouse* means a building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

*Miniature golf course* means a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

*Mining* means extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mining" includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

*Minor automobile repair and maintenance shop*. See *Automobile repair, minor*.

*Minor modification to zoning conditions*. See article 7 of this chapter.

*Minor thoroughfare* means a street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

*Mixed-use building or development* means a development which incorporates a variety (two or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

*Mixed-use zoning districts* means any of the following zoning districts: MU-1, MU-2, MU-3, MU-4, and MU-5.

*Mobile home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

*Mobile home lot* means a parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.



*Mobile home park* means a parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

*Mobile home sales* means Exhibition and sale of mobile homes.

*Mobile home stand* means that part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

*Modular home* means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

*Monastery* means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

*Monopole*. See section 4.2.57.B.

*Moral turpitude* means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

*Mortuary* means an establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

*Mosque*. See *Place of worship*.

*Motel* means an establishment providing transient lodging accommodations containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Held out to the public to be a place where temporary lodging of 30 days or less is offered for pay to guests and is not intended for long term occupancy.

*Muffler* means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

*Multifamily dwelling*. See *Dwelling unit, multifamily*.

*Multifamily dwelling, supportive living*, means Four or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

*Multi-use property* means any distinct parcel of land that is being used for more than one land use purpose.

*Museum* means a building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

*Natural state* means that condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

*Nature preserve* means an area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

*Neighborhood* means an area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

*Neighborhood residual sound level* means that measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. The term "neighborhood residual sound level" is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.

*Net lot area, See Lot area, net.*

*New construction on an infill lot* means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

*News dealer* means a person who sells newspapers and magazines as a retailer.

*News stand* means a temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

*Nightclub* means a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

*Node* means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

*Noise control officer* means a city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

*Noise sensitive facility* means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

*Nonconforming characteristics of building or structure* means a building or structure, legally existing on the effective date of the ordinance from which this chapter is derived, but which fails to comply with one or more of the district or general non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

*Nonconforming use of land* means a use of land, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

*Nonconforming use of land and buildings, or nonconforming use of land and structures* means a use of land and buildings or land and structures, in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use of land and buildings or land and structures, in combination, under the terms of this chapter in the district in which such use is located.

*Nonconforming use requiring special exception or special land use permit* means a use of land, or land and buildings or structures in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.

*Nonresidential development* means all commercial, office, institutional, industrial and similar lands and uses.

*Nonresidential zoning district* means any of the following zoning districts means NS, C-1, C-2, O-I-T, O-I, O-D, M and M-2.

*Non-transient lodging accommodations* means long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

*Nudity* means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

*Nursery, plant,* means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

*Nursing care facility* means an establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term "nursing care facility" includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

*Nursing home* means a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

*Office, building or construction* means a temporary structure used as an office or storage for construction operations and is located at the construction site.

*Office, dental,* means a building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*Office, medical,* means a building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*Office, professional,* means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

*Office park* means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

*Office supply store* means a facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

*Official zoning map or maps* means the zoning maps of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings.

*One-part commercial block style* means a single-story building that has a flat roof, a facade that is rectangular in shape, and in which the fenestration in the facade is equal to 75 percent of the width of the front facade of the building.

*Open space* means a portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

*Open space, clubhouse or pool amenity area*, means an open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

*Open space, enhanced*, means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 of this chapter for types of open space functions considered enhanced.

*Open space, green*, means an informal area for passive use bound by streets or front facing lots, typically between 500 square feet and one acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

*Open space, greenway*, means an open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

*Open space, neighborhood park*, means an open space designed for active or passive recreation use.

*Open space, playground or tot lot*, means an open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

*Open space, plaza*, means an open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

*Open space, pocket park*, means an open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter of an acre.

*Open space, square*, means an open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between 500 square feet and one acre.

*Operator* means a person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

*Ordinary maintenance*. See section 4.2.57.B.

*Ornamental metal* means any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

*Outdoor advertising service* means a service to provide advertisements visible in the outdoors such as billboards.

*Outdoor amusement enterprise* means any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside

of a building, including, but not limited to, a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

*Outdoor amusement service facility*, in the Stonecrest Area Overlay District, means any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place means miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, go-carts, or zoo.

*Outdoor display* means an outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

*Outdoor manufacturing* means a facility established for manufacturing activities that takes place outside an enclosed building.

*Outdoor storage* means the keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. The term "outdoor storage" includes outdoor work areas. See *Vehicle storage yard*.

*Outdoor storage, commercial* means the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.

*Outdoor theater* means an outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

*Overstory tree* means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

*Package store* means a retail establishment that sells distilled spirits for off-site consumption.

*Parapet* means that portion of a wall that extends above the roof line.

*Parcel*. See *Lot*.

*Parking or park* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

*Parking, valet*, means Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

*Parking aisle* means an area within a parking facility intended to provide ingress and egress to parking spaces.

*Parking bay* means the clear space containing one or two rows of parking stalls and a parking aisle.

*Parking garage* means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

*Parking lot* means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition.

*Parking lot, commercial* means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.

*Parking space* means a paved area of not less than 120 square feet (small car space) or not less than 153 square feet (large car space) space with dimensions of not less than eight feet wide by 15 feet deep (small cars) or eight feet six inches wide by 18 feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

*Parking structure* means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an

underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

*Party house:* A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

*Pasture land.* See *Grazing land*.

*Path* means a paved or structurally improved walkway that provides access to areas within a development.

*Paved* means a structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the ~~director of planning.~~ **Community Development Director or his/her designee.** For the purposes of a driveway for the parking of automobiles, two paved tire tracks with an unpaved area between them shall be considered paved.

*Pavement, permeable,* means pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

*Pawn shop* means any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this section. The term "pawn shop" includes title pawn.

*Pedestrian oriented* means a density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

*Permitted use* means any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

*Personal assistance services* means assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

*Personal care home:* A building(s) in which housing, meals, personal assistance services, and 24-hour continuous watchful oversight to seven or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

*Personal care home, community,* means a personal care home that offers care to seven or more persons.

*Personal care home, group:* A personal care home that offers care to up to six persons.

*Personal services establishment* means an establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

*Pervious area* means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

*Pervious pavers* means a range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

*Pet.* See *Household pet*.

*Pet cemetery* means property used for the interring of dead domestic animals.

*Pet shop* means a retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

*Pharmacy (retail)* means a place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

*Phased development* means a development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

*Physical therapy facility* means a facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

*Pitch of roof lines* means the ratio of the rise to the run of a roof.

*Place of worship* means a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

*Plainly audible* means any sound that can be detected by a person using his unaided hearing faculties.

*Planned industrial center* means an industrial development planned with multiple buildings for industrial users.

~~Planning & Director.~~ See [Community Development Director](#).

*Plant material* means material derived from plants.

*Planting strip* means a strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

*Plat:*

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

*Pervious surface* means an area that allows water to enter the soil mantle at a natural rate of flow. Compare with *Impervious surface*.

*Porch, enclosed,* means a porch attached to the main building, which is covered by a roof.

*Porch, open,* means a porch that is not covered by a roof.

*Portable storage container* means any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include, but are not limited to, PODS, Pack-Rats and similar containers.

*Porte-cochere* means a porch or a structure attached to a residence and erected over a driveway, not exceeding one story in height and open on two or more sides.

*Post office* means a public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

*Poultry* means domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

*Premises* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

*Prepared food* means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.

*Prepared non-alcoholic beverages* means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.

*Pre-packaged food* means single serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.

*Primary building.* See *Building, primary or principal*. Compare with *Accessory structure*.

*Primary conservation area* means that portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

*Primary material* means the building material comprising the acceptable, dominant portion of a building exterior facade, as defined by standards within this article. Compare with *Secondary material*.

*Primary street* means a street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

*Principal structure* means the building in which the principal use of the lot is located.

*Principal use* means the primary or predominant use of any lot.

*Printing and publishing establishment* means an establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

*Printing and publishing establishment (limited)* means a printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding 5,000 square feet of floor area.

*Private ambulance service* means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

*Private club.* See *Club, private*.

*Private drive* means a drive or road on privately-owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code, but shall meet dimensional requirements established in article 5 of this chapter.



*Private educational use* means the instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4 of this chapter.

*Private industry solid waste disposal facility* means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

*Private restrictive covenants* means private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

*Private right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

*Private road.* See *Private drive*.

*Private street* means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

*Produce* means products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

*Production, field crops*, means establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

*Production, fruits, tree nuts, and vegetables*, means establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

*Prohibited uses* means anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

*Public art.* See *Art, public*.

*Public right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

*Public space in the I-20 Corridor Overlay District* means space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

*Public space in the Stonecrest Area Overlay District* means space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails,

outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as a result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

*Public uses* means land or structures owned by a federal, state or local government, including, but not limited to, a board of education, and used by said government for a necessary governmental function.

*Quarry* means a mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

*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, 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.

*Quick copy and printing store* means a facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

*Radio or television broadcasting studio* means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite, and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

*Radio or television broadcasting transmission facility* means an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.

*Railroad car classification yard or team truck yard* means an area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.

*Rainwater harvesting* means gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

*Recovered materials* means those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

*Recovered materials center* means a facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Recovered materials processing* means activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. The term "processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

*Recreation* means the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

*Recreation, active.* See *Active recreation*.

*Recreation, indoor,* means a commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley,

club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

*Recreation, outdoor*, means a recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

*Recreation, passive*, means recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

*Recreation club* means a not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

*Recreational vehicle* means any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include, but are not limited to, Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

*Recreational vehicle park* means a commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

*Recreational vehicle/boat and trailer sales and service* means a facility established for the exhibition, sale, and repair of recreational vehicles/boats and personal use trailers.

*Recycling collection point* means a neighborhood drop-off point for the temporary storage of recyclables.

*Recycling plant*. See *Recovered materials center* or *Recovered materials processing*.

*Regularly* means the consistent and repeated doing of an act on an ongoing basis.

*Rehabilitation housing facility* means an establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

*Repair, small household appliance*, means a business established to provide a service of repairing small household appliances like microwaves, etc.

*Replacement*. See section 4.2.57.B.

*Research and training facility* means any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

*Residence hall*. See *Dormitory*.

*Residential component* means the primarily residential portion of a development that may contain a mix of single-family detached, single-family attached and multifamily dwelling units and may include small scale, nonresidential uses.

*Residential zoning district* means any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, and MU-5.

*Residential use* means the occupation of a building and land for human habitation.

*Restaurant, drive-through*, means an establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

*Retail* means the sale of goods, wares or merchandises directly to the end-consumer.

*Retail warehouse/wholesale* means an establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public, and may include gasoline.

*Retaining wall* means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

*Riding academies* or *stable* means a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.

*Right-of-way line* means the limit of publicly-owned land or easement encompassing a street or alley.

*Rooming house*. See *Boarding house*.

*Salvage yard* means land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junkyards.

*Sand pit* means a surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

*Satellite television antenna* means an apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

*Sawmill* means a facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

*Sawmill, temporary or portable*, means a facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

*School, elementary*, means public, private or parochial school offering education for first through fifth grade.

*School, high*, means public, private or parochial school for the ninth through 12th grades.

*School, middle*, means public, private or parochial school offering education for sixth through eighth grade.

*School, parochial*, means school run by a church or parish and engages in religious education in addition to the conventional education.

*School, private*, means any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure the major part of its funding from any governmental agency.

*School, public*, means a building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

*School, specialty*, means a school specializing in teaching martial arts, dance, music, visual arts and similar fields.

*School, vocational*, means a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

*Screening fence* means an opaque structure designed to provide a visual barrier constructed of materials, including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the ~~director of planning~~ **Community Development Director or his/her designee**.

*Secondary conservation area* means that portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

*Secondary material* means complimentary building material allowed by zoning standards. Compare with *Primary material*.

*Secondhand store* means a facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

*Self-service car wash*. See *Car wash, self-service*.

*Self-storage (mini or multi)* means a building or group of buildings in a controlled- access and secured compound that contains vary sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and shall be climate-controlled. Noting or pertaining to a warehouse or other facility that rents units to people for storing personal possessions.

*Semi-nude* or *semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. The term "semi-nude" or "semi-nudity" shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

*Semi-nude model studio* means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The term "semi-nude model studio" does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

*Senior housing* means a multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one person who is 55 years of age or older per dwelling unit. Also called *Senior Living*.

*Senior living*. See *Senior housing*.

*Service area* means an outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

*Service organization* means a voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

*Setback* means the minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5 of this chapter.

*Sexual device* means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

*Sexual device shop* means a commercial establishment that regularly features sexual devices. The term "sexual device shop" shall not be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services,

*Sexually oriented business* means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

*Sexually oriented business employee* means only such employees, agents, independent contractors, or other persons, whatever the employment relationship to the business, whose job function includes posing in a state of nudity, or semi-nudity, or exposing to view within the business the specified anatomical areas, as defined by this section.

*Shared parking* means parking shared by two or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

*Shelter for homeless persons* means a building or buildings in which is provided overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with *Transitional housing facility*.

*Shoe repair* means an establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

*Shopping center* means a group of at least two commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

*Short-term vacation rental* means any dwelling unit, single-family dwelling, multifamily dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR."

*Shrub* means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

*Sidewalk* means a hard surface, ADA compliant, clear pathway that does not include any street furniture.

*Sight triangle* means a triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

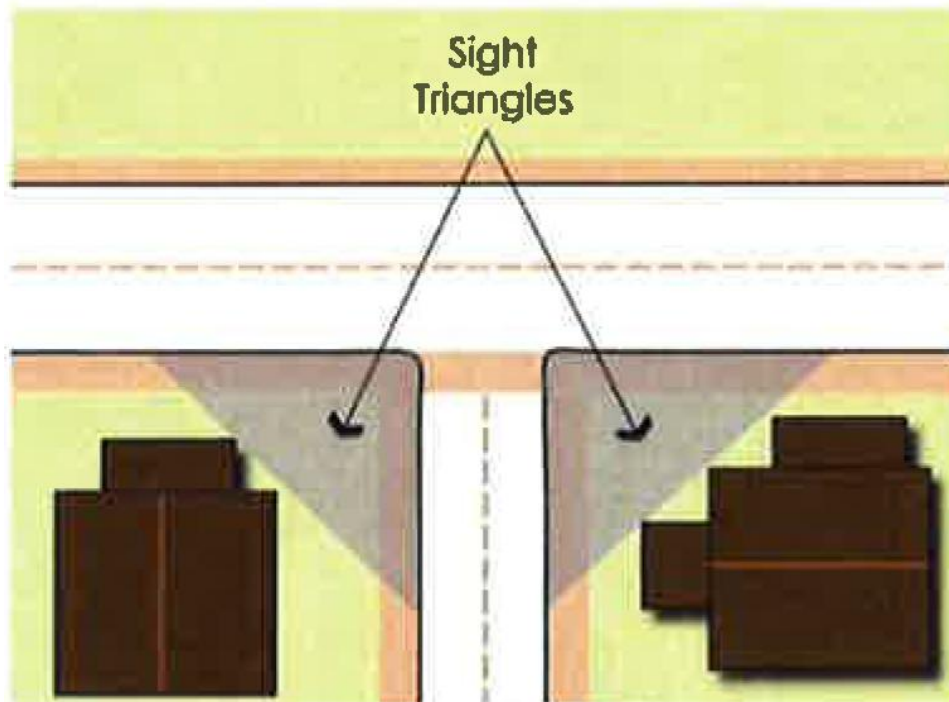


Figure 9.10 Sight Triangles

*Single-family attached.* See *Dwelling unit, single-family attached*.

*Single-family zoning district* means any of the following zoning districts means RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c).

*Site* means the lot, area of a lot, or assemblage of lots subject to development.

*Site-Built Residential Dwelling (Stick-Built)* means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

*Site plan* means that plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

*Small box discount store:* A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in their inventory for sale at a price per item of \$5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5,000 sf or less," "Retail, over 5,000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest.

*Smoking lounge* means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

*Social model* means a program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or

assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

*Soldier course* means a course of upright bricks with their narrow faces showing on the wall surface.

*Solid waste* means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material, as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat 923).

*Solid waste handling* means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

*Solid waste handling facility* means a facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

*Solid waste thermal treatment technology facility* means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

*Solid waste transfer facility* means a facility or site at which temporary storage and transfer of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the locations of waste generation (e.g., households, businesses, industries) and the sites of ultimate processing or disposal.

*Sorority house* means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

*Sound level meter* means an instrument that conforms to ANSI S1.4-1983 or its successors.

*Special administrative permit* means a written authorization granted by the ~~director of planning~~ **Community Development Director or his/her designee** for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 7 of this chapter.

*Special events facility* means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

1. The term "special events facility" shall not include places of worship.
2. *Small special event facility* shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
3. *Large special event facility* shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.

*Special exception* means the approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

*Special land use permit* means the approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.



*Special permit* means a special administrative permit, special exception, or special land use permit.

*Specialty store* means a store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

*Specified anatomical areas* means and includes:

1. Less than completely and opaquely covered means human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Sporting goods store* means a store that exclusively exhibits and sells items related to sports, including, but not limited to, instruments, gears, shoes, and clothes.

*Stadium* means a structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

*State* means the State of Georgia.

*Steady tonal quality* means sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three dBA.

*Stealth telecommunications facility*. See section 4.2.57.B.

*Stepback* means a step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See *Transitional height plane*.

*Stoop* means a small porch, platform, or staircase leading to the entrance of a house or building.

*Storage building* means any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

*Stormwater management facility* means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

*Story* means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

*Street, public*, means any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a street right-of-way.

*Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

*Structure, accessory*. See *Accessory structure*.

*Subdivision* means as defined in chapter 14 of the Code.

*Subdivision, major*, means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, public or private.

*Subdivision, minor*, means a division of land into not more than four lots, provided:

1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
2. All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
3. At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

*Supplemental zone* means the additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

*Support structures*. See section 4.2.57.B.

*Supportive living* means a non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.

*Sustainable development* means a development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

*Swimming pools, commercial* means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.

*Synagogue*. See *Place of worship*.

*Tandem parking* means a parking space within a group of two or more parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other spaces.

*Taproom* means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

*Tasting room* means an outlet for the promotion of a winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

*Tattoo parlors and piercing studios* means an establishment whose principal business activity, is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

*Taxi stand* means a reserved area where taxis or cabs are parked.

*Telecommunications antenna*. See section 4.2.57.B.

*Telecommunications facility/tower*. See section 4.2.57.B.

*Telecommunications tower*. See section 4.2.57.B.

*Telecommunications tower or antenna height*. See section 4.2.57.B.

*Telephone exchange building* means a building used exclusively for the transmission and exchange of telephone messages. The term "telephone exchange building" shall not include wireless telecommunication towers or antennas.

*Temple*. See *Place of worship*.

*Temporary outdoor sales or event, seasonal*, means outdoor sales of products associated with seasons, holidays and agricultural seasons.

*Temporary produce stand* means a temporary vending structure used for the sale and/or display of seasonal produce.

*Temporary trailer* means an enclosed or unenclosed structure, on wheels, that is used for temporary storage purposes.

*Tennis courts, play and recreation areas, community*, means a public or private facility for the playing of tennis, swimming, or other type of outdoor recreation, including related retail sales and an accessory restaurant. The term "tennis courts, play and recreation areas, community," does not include amenities for a subdivision or other form of housing.

*Theater* means a structure used for dramatic, operatic, dance, or music performances, or the rehearsal and presentation of other similar performing arts events, or for motion pictures, for which an admission fee is charged. Such establishments may include related services such as food and beverage sales and other concessions.

*Threshold* means the top of the subfloor in the opening that is designated as the front door of a dwelling.

*Thrift store* means a for-profit or non-profit business or organization that engages or specializes in the sale or resale of previously-owned or used goods. The term "thrift store" includes antique shops, consignment stores, and secondhand stores.

*Tire retreading and recapping* means businesses that primarily repair and retread automotive tires.

*Total sound level* means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

*Towing or wreckage service* means a business engaged in the transport or conveyance of vehicles from one point to another, for a fee, by use of a flatbed truck, tow truck or wrecker truck but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

*Townhouse* means one of a group of three or more single-family dwelling units, attached side-by-side by a common wall. See *Dwelling, single-family*.

*Townhouse, stacked*, means multifamily building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

*Trailer* means any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to, landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

*Transit* means the conveyance of persons or goods from one place to another by means of a local, public transportation system.

*Transit oriented development (TOD)* means moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

*Transitional buffer zone* means a natural or planted buffer area between two different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5 of this chapter.

*Transitional height plane* means a geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point 35 feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of 45 degrees over the lot of the building.

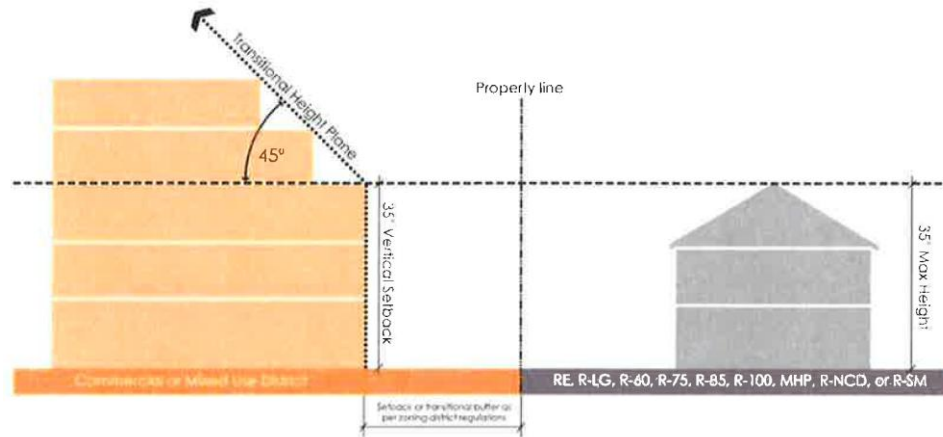


Figure 9.11 Transitional Height Plane

*Transitional housing facility* means a building or buildings in which is provided long-term but no permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance. Compare with *Homeless shelter*.

*Transparent material* means any material which allows light to be transmitted and objects to be seen clearly and with definition.

*Transportation equipment and storage or maintenance (vehicle)* means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with *Truck terminal*.

*Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

*Tree canopy* means the area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

*Truck stop* means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

*Truck terminal* means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility.

*Turnaround* means a space, as in a driveway, permitting the turning around of a vehicle.

*Two-part commercial block style* means a building of two stories or greater in height that has a flat roof and is characterized by a horizontal division of the building facade into two distinct zones. These zones may be similar in design but shall be clearly separated from one another. The ground floor level of the building shall contain fenestration equal to 75 percent of the width of the front facade of the building.

*Universal barrier* means a type of root barrier for street trees.

*Understory tree* means a deciduous or evergreen tree which attains a mature height of no greater than 30 feet.

*University*. See *College*.

*Urban garden* means a lot, or any portion thereof, managed and maintained by a person or group of persons, for growing and harvesting, farming, community gardening, community-supported agriculture, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community or personal use, consumption, sale, or donation. An urban garden may be a principal or accessory use on lots, including, but not limited to, those owned by individuals, non-profit organizations, and public or private institutions like universities, colleges, school districts, hospitals, and faith communities. The term "urban garden" excludes gardens accessory to an individual's residence.

*Usable satellite signals* means satellite signals from all major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations by way of cable television.

*Usable open space*. See *Open space, usable*.

*Use* means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

*Utility* means any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

*Valet*. See *Parking, valet*.

*Value added products* means prepared farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or other prepared foods.

*Van service* means a commercial or not-for-profit service in which the provider offers transportation service to clients from their home to another destination, such as a medical service facility or other destination.

*Variance* means permission to depart from the requirements of this chapter pursuant to the requirements of article 7 of this chapter.

*Vehicle storage yard* means a building or land that is used principally for long-term parking of any class of passenger or non-passenger vehicles, including, but not limited to, automobile fleets associated with commercial business, delivery trucks or other commercial vehicles, or associated with government operations such as school buses, postal delivery trucks, or sanitation trucks. The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those used in light or heavy landscaping or construction, but does not include transportation vehicle such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as an accessory use. Compare with *Auto recovery and storage*.

*Vehicle trip* means a vehicular movement either to or from the subject property by any vehicle used in a home occupation, any vehicle associated with a home occupation, or any customer or client vehicle.

*Vehicular use area* means any portion of a site or a property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

*Vending* means vending activity as permitted on privately-owned commercial, industrial, and residential property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

*Vending/Food cart* means a pushcart which is designed to be readily movable from which food items are dispensed.

*Vendor* means any person who has been issued a valid vendor permit.

*Veterinary clinic*. See *Animal hospital*.

*Videotape sales and rental store* means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

*Viewshed* means the total visible area from an identified observation position.

*Village center* means the central shopping or gathering place within a traditional neighborhood which contains commercial uses and open space and which may contain public space.

*Vineyard*: Cultivates grapes for wine, juice, and fresh fruit for local markets and consumers. Some vineyards process the grapes for consumption in-house, while others concentrate on the farming aspect, selling directly to wineries in the area.

*Wall* means a structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

*Wall plane* means an area of a wall between a wall offset and another wall offset or a corner.

*Truck terminal* means a building, structure or place at an industrial facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other trucks or modes of transportation. This is not intended for long term warehousing or storage of inventory or for retail sales, but to serve solely as a transfer facility.

*Waste to energy facility* means a solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

*Weekday* means the time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

*Weekend* means the time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

*Wetlands* means an area of land meeting the definition of "wetlands" set forth in 33 CFR Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

*Wind turbine* means a turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

*Winery* means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing,

fermenting, blending, aging, storage, bottling, administrative offices, and warehousing. A winery may also include associated retail sales and tasting facilities of wine and related promotional items, as part of their operation.

*Wireless Telecommunication Facilities*, See Sub-section 4.2.57.B. - Supplemental Uses, Wireless telecommunications for the meaning of terms used in that section, including the following:

1. Accessory-equipment (or Equipment).
2. Administrative approval.
3. Administrative review.
4. Alternative Telecommunication Support Structure.
5. Antenna.
6. Applicant.
7. Application.
8. Attached wireless telecommunications facility.
9. Carrier on wheels or cell on wheels (COW).
10. Collocate or collocation.
11. Commission.
12. Distributed antenna systems (DAS).
13. Equipment compound.
14. FAA.
15. FCC.
16. Geographic search area (GSA).
17. Grantee.
18. Guyed Structure.
19. Height.
20. Modification.
21. Ordinary maintenance.
22. Provider.
23. Public Right(s)-of-Way.
24. Public Street.
25. Small Cell or Small-Cell Installation.
26. Substantial increase in size.
27. Telecommunications Facility.
28. Telecommunications Service(s).
29. Telecommunications Support Structure.
30. Utility.
31. Visual Quality.

*Workforce housing* means for-sale housing that is affordable to those households earning 80 percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

*Xeriscape* means a landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

*Yard* means that area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

*Yard sale* means the temporary residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. The term "yard sale" includes the term estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

*Yard, corner side*, means an open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

*Yard, front*, means an area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one Front yard:

*Yard, interior side*, means a yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and those lines established by the side walls of the principal structure.

*Yard, rear*, means a yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and those lines established by the rear walls of the principal structure projected to intersect the side lot lines.

*Yard, side*, means a yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

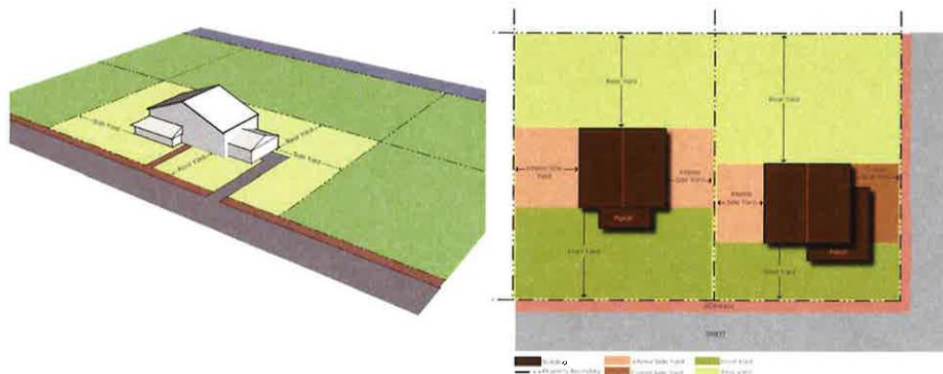


Figure 9.12 Illustration of Yard

*Zero lot line* means when location of a building in such manner that one or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

*Zoning decision* means final legislative action by a local government which results in:

1. The adoption or repeal of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;



3. The adoption or denial of any amendment to a zoning ordinance to rezone the property from one zoning classification to another;
4. The adoption or denial of an amendment to a zoning ordinance by a municipal local government to rezone property to be annexed into the municipality;
5. The grant or denial of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs 3. and 5. of this definition.

(Ord. of 8-2-2017, § 1(9.1.3); Ord. No. 2018-07-04, § 1, 7-16-2018; Ord. No. 2019-11-04, § II, 11-25-2019; Ord. No. 2019-11-05, § IV, 11-25-2019; Ord. No. 2021-06-03, § 1(Exh. A, § EE), (Att. 2), 8-23-2021; Ord. No. 2021-06-04, § 1(Exh. A), 8-23-2021; Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022; Ord. No. 2022-01-06, § 1(Exh. A), 1-24-2022; Ord. No. 2022-05-01, § 1(Exh. A), 5-23-2022; Ord. No. 2022-06-02, § 1(Exh. A), 6-29-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2022-10-02, § 1(Exh. A), 10-24-2022; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022; Ord. No. 2023-05-01, § 1(Exh. A), 5-22-2023; Ord. No. 2023-05-03, § 1(Exh. A), 5-22-2023; Ord. No. 2023-06-02, § 1(Exh. A), 6-28-2023; Ord. No. 2023-07-02, § 1(Exh. A), 7-31-2023; Ord. No. 2023-08-01, § 1(Exh. A), 8-28-2023; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024; Ord. No. 2024-02-05, § 1(Exh. A), 2-26-2024)

### **Sec. 9.2.0. Official zoning maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia" (the "official zoning maps"). The official zoning maps, adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit A. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 2)

### **Sec. 9.3.0. Stonecrest overlay maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District"(the Stonecrest overlay maps). The Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District, to be adopted contemporaneously with chapter 27, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The Stonecrest overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit B. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 3)

#### **Sec. 9.4.0. I-20 Corridor overlay maps.**

Now, therefore, be it ordained by the Mayor and Council of the City of Stonecrest, Georgia, the Code of the City of Stonecrest, Georgia, is hereby amended by adding the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the I-20 Corridor overlay maps). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council, attached as Exhibit C. A printed copy of the compact disk's contents depicting the official zoning maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 4)

#### **Sec. 9.5.0. Transition period.**

During the transition period, any department, division, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his designee. During and after the transition period, any reference to the director ~~or planning director~~ shall also refer to the ~~Planning & Zoning Director~~ **Community Development Director or his/her designee** . During and after the transition period, any reference to the planning department shall refer to the Planning **& and** Zoning ~~department~~ **Division** or the similar ~~department~~ division created by the City Council during the transition period.

(Ord. of 8-2-2017, § 5; Ord. No. 2021-06-03, § 1(Att. 2), 8-23-2021)



## CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for TMOD 25-001 Abandoned Shopping Carts, 2<sup>nd</sup> Read**

**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):** 05/12/25 & 05/29/25

**Current Work Session:** Click or tap to enter a date.

**Current Council Meeting:** Thursday, June 26, 2025

**SUBMITTED BY:** Shawanna Qawiy, Division Director Community Development

**PRESENTER:** Shawanna Qawiy, Division Director Community Development & Terry Fye, District 2 Councilmember

**PURPOSE:** To provide amended requirements on how to implement fees for the abandonment of shopping carts.

**FACTS:** Shopping carts are being illegally removed from the premises of businesses and left abandoned on public or private property throughout the city. This constitutes a public nuisance and a potential hazard to the health, safety and welfare of the public.

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

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

### ATTACHMENTS:

- (1) Attachment 1 - Redlined Ordinance
- (2) Attachment 2 - Ordinance



## CITY COUNCIL AGENDA ITEM

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

## **ARTICLE VI. OFFENSES INVOLVING PROPERTY RIGHTS**

### **DIVISION 1. GENERAL OFFENSES**

#### **Sec. 18-35. Vandalism.**

- (a) *Public property.* It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any public property or park in the city.
- (b) *Private property.*
  - (1) It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any private property without the consent of the owner.
  - (2) This subsection shall not be construed as affecting any remedy the private property owner may have at law.

(Ord. No. 2018-06-04, § 18-35, 6-4-2018)

#### **Sec. 18-36. Graffiti.**

- (a) *Property owner responsibility.* It shall be unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of in the city to permit property that is defaced with graffiti to remain defaced for a period in excess of ten days. The city may provide notice of defacement to such owner or responsible person by first class mail or personal service, provided that failure to receive notice shall not alleviate the person's responsibility for removal of the graffiti. Notice shall contain the following information:
  - (1) The street address and/or description of the property sufficient for identification of the property;
  - (2) A description of the graffiti with notice to remove same, and notice that the property owner shall, if the graffiti is not removed within ten days after receipt of the notice, be cited for violation of this section.
- (b) *Exceptions to property owner responsibility.* The removal requirements of subsection (a) of this section shall not apply if the property owner or responsible party can demonstrate that:
  - (1) The property owner or responsible party lacks the financial ability to remove the defacing graffiti; or
  - (2) The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of 30 days after defacement.
- (c) *Citation of owner, right of city to remove graffiti.* Whenever the owner or person responsible for control or maintenance of private property fails or refuses to remove the graffiti after notice by the city to do so, such owner or responsible person shall be cited for violation of this section. The city may, upon the owner's or responsible person's failure to act, take any necessary action to remove, repaint, or repair the graffiti-damaged property and may use public funds for such action, the cost of which shall be a lien on the property

served. Nothing in this section shall be construed to require the city to undertake such repair, repainting or removal.

- (d) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Graffiti* shall have that meaning ascribed to it in O.C.G.A. § 17-15A-2.

*Graffiti implement or paraphernalia* means any substance or material, such as, but not limited to, aerosol paint containers, permanent ink markers, paint sticks, and etchers; also, including, but not limited to, tips or nozzles which can be applied to aerosol paint containers.

- (e) *Unlawful possession on public or private property.* It shall be unlawful for any person to possess any graffiti implement or paraphernalia while in, on, at or about any private property without the owner or occupant's permission or any public property, including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, courthouses, utility stations, storm drains or any other publicly-owned, -operated and/or -maintained facility. This subsection shall not apply to persons located on public sidewalks or streets during each daily period from sunrise to sunset. This subsection shall not apply to any officer, employee or agent of the public entity that owns the public property acting within the scope of their employment.

(Ord. No. 2018-06-04, § 18-36, 6-4-2018)

### **Sec. 18-37. Tampering with utilities.**

It is unlawful for any person to disturb, tamper with, or remove any guy wires from any electric power pole, utility pole, water or gas meter, or telephone pole located within the city.

(Ord. No. 2018-06-04, § 18-37, 6-4-2018)

### **Secs. 18-38—18-50. Reserved.**

## ***DIVISION 2. LITTERING***

### **Sec. 18-51. Purpose and intent.**

The purpose of this division is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this division are:

- (1) To provide for uniform prohibition of littering on public or private property throughout the city;
- (2) To prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter; and
- (3) To preserve the value of the many unique natural resources in the city and enhance the beauty and quality of life enjoyed by the citizens of the city.

(Ord. No. 2018-06-04, § 18-51, 6-4-2018)

### **Sec. 18-52. Applicability.**

This division shall apply to all public and private property within the city.

(Ord. No. 2018-06-04, § 18-52, 6-4-2018)

### **Sec. 18-53. Compatibility with other regulations.**

This division is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this division should be considered minimum requirements, and where any provision of this division imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 2018-06-04, § 18-53, 6-4-2018)

### **Sec. 18-54. ~~Reserved.~~ Abandoned Shopping Carts**

Shopping carts that have been illegally removed from the premises of businesses and left abandoned on public or private property throughout the City constitute a public nuisance and a potential hazard to the health, safety and welfare of the public.

(a) *Public Property:* Shopping carts that obstruct free access to sidewalks, streets and other public rights-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways when abandoned within drainage culverts and easements constitute a public nuisance and potential hazard to the health, safety and welfare of the public. It is for these reasons that such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or as provided by law.

(b) *Abandoned shopping cart prevention and retrieval plan.* Each retail establishment with 10 or more shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the City. The plan shall include:

(c) *Property owners responsibility:*

(1) New developments and businesses having shopping carts shall be required to provide, upon request, a cart retrieval plan prior to the issuance of a certificate of occupancy for the facility.

(2) Abandoned shopping cart prevention and retrieval plan. Each retail establishment with shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the City.

(3) Every shopping cart made available for use by customers shall affix on each shopping cart, and maintain thereon, legible information identifying the name of the retail establishment with which it is owned or otherwise associated.

(4) Shopping carts are to be maintained on-site. The following are required measures to contain shopping carts on-site. The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

- (1) Installing disabling devices on all carts;
- (2) Installing bollards and chains around business entrances/exits to prevent cart removal;
- (3) Providing personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or combination of both.

(d) Enforcement. The provisions of this ordinance shall be enforced by code enforcement personnel. In the enforcement of this ordinance, enforcement personnel may enter upon public property which the City owns or has a right to enter to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart and remove, or cause removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this ordinance.

(e) Penalty for failure to comply . Any retail establishment that fails to remove a shopping cart and/or provide a plan upon request, shall constitute a violation of this ordinance, and are subject to the procedure and penalties that follow;

- (a) Once a merchant or point of contact has spoken with code enforcement, the merchant has 72 hours to remove carts.
- (b) The fees shall be;
  - (1) Citation for one(1) cart is \$150;
  - (2) Citation for more than one (1) cart from the same business/establishments shall incur a fee of \$150 plus \$125 for each additional cart.
- (c) Failure of any business to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$500. Any updates to the fees shall be made by the approval of City Council.



**(e ) Definitions. For the purpose of this ordinance, the following terms shall apply:**

**Abandoned shopping cart** means a shopping cart that is left unattended or discarded upon public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ordinance, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is the owner, employee, or authorized agent of the owner, entitled to possession of said shopping cart,

**Shopping cart** shall mean a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

## **Sec. 18-55. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Litter* means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "hazardous waste" as such term is defined in O.C.G.A. § 16-7-51, paragraph 6.

*Public or private property* means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

(Ord. No. 2018-06-04, § 18-55, 6-4-2018)

## **Sec. 18-56. Prohibition against littering public or private property or waters.**

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the city or any waters in the city unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

(Ord. No. 2018-06-04, § 18-56, 6-4-2018)

### Sec. 18-57. Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(Ord. No. 2018-06-04, § 18-57, 6-4-2018)

### Sec. 18-58. Violations, enforcement and penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this division, or to willfully obstruct, resist, impede, or interfere with the city or any code enforcement officer in connection with such person's enforcement of this division, or to retaliate or discriminate in any manner against such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor. Any person who has violated or continues to violate the provisions of this division, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.
- (b) *Evidence.*
- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this division, it shall be prima facie evidence that the operator of the conveyance has violated this division.
  - (2) Except as provided in subsection (b)(1) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this division is discovered to contain any articles, including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this chapter.
- (c) *Penalties.* Any person who violates this division shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:
- (1) By a fine of not less than \$200.00 and not more than \$1,000.00, and/or imprisonment in accordance with this Code. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense;
  - (2) In addition to the fine set out in subsection (c)(1) of this section, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city;
  - (3) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of way any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence;
  - (4) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, and any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
  - (5) The court may publish the names of persons convicted of violating this division.
- (d) *Enforcement.* All city departments are hereby authorized, empowered and directed to enforce compliance with this division. Primary enforcement responsibilities for litter control are shared by the officers of the code enforcement division.

- (e) *Liability.* Neither the city nor any department, agency, board, or officer of the city shall be liable or accountable for or on account of any act or omission of any code enforcement officer in connection with such person's enforcement of the provisions of this division.

(Ord. No. 2018-06-04, § 18-58, 6-4-2018)

**Sec. 18-59. Reserved.**

DRAFT

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST**

**ORDINANCE \_\_\_\_ - \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 18 - NUISANCES OF THE CITY OF STONECREST CODE OF ORDINANCES TO ESTABLISH THE CITY OF STONECREST ABANDONED SHOPPING CART ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation created under the laws of the State of Georgia; and

**WHEREAS**, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof; and

**WHEREAS**, the City Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

**WHEREAS**, the purpose of Chapter 18 - NUISANCES DIVISION 2. LITTERING of the City of Stonecrest Code of Ordinances is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter; and

21           **WHEREAS**, the City desires to amend *DIVISION 2. LITTERING* to establish an  
22   Abandoned Shopping Cart Ordinance to govern shopping carts that have been illegally removed  
23   from the premises of businesses and left abandoned on public or private property throughout the  
24   City constituting a public nuisance and a potential hazard to the health, safety and welfare of the  
25   public.; and

26           **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
27   impacted by the adoption of this Ordinance.

28           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
29   **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**  
30   **thereof:**

31           **Section 1.** CHAPTER 18 - NUISANCES *DIVISION 2. LITTERING* OF THE CITY OF  
32   STONECREST CODE OF ORDINANCES are hereby amended establishing the City of  
33   Stonecrest Abandoned Shopping Cart Ordinance. That the Abandoned Shopping Cart Ordinance  
34   is established through the adoption of the provisions set forth in Exhibit A attached hereto and  
35   made a part by reference.

36           **Section 2.** That the amended ordinance be read and codified as follows with added text in **red**  
37   **font, bold and underlined** and deleted text in **red and strikethrough** font.

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

40           **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
41   sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
42   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 sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this 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 to the extent of the conflict only.

**Section 7.** The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

65           **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the  
66 State of Georgia and the City of Stonecrest.

67           **Section 9.** It is the intention of the governing body, and it is hereby ordained that the  
68 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
69 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such  
70 intention.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF STONECREST, GEORGIA**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT A**



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## ARTICLE VI. OFFENSES INVOLVING PROPERTY RIGHTS

### DIVISION 1. GENERAL OFFENSES

#### Sec. 18-35. Vandalism.

- (a) *Public property.* It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any public property or park in the city.
- (b) *Private property.*
  - (1) It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any private property without the consent of the owner.
  - (2) This subsection shall not be construed as affecting any remedy the private property owner may have at law.

(Ord. No. 2018-06-04, § 18-35, 6-4-2018)

#### Sec. 18-36. Graffiti.

- (a) *Property owner responsibility.* It shall be unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of in the city to permit property that is defaced with graffiti to remain defaced for a period in excess of ten days. The city may provide notice of defacement to such owner or responsible person by first class mail or personal service, provided that failure to receive notice shall not alleviate the person's responsibility for removal of the graffiti. Notice shall contain the following information:
  - (1) The street address and/or description of the property sufficient for identification of the property;
  - (2) A description of the graffiti with notice to remove same, and notice that the property owner shall, if the graffiti is not removed within ten days after receipt of the notice, be cited for violation of this section.
- (b) *Exceptions to property owner responsibility.* The removal requirements of subsection (a) of this section shall not apply if the property owner or responsible party can demonstrate that:
  - (1) The property owner or responsible party lacks the financial ability to remove the defacing graffiti; or
  - (2) The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of 30 days after defacement.
- (c) *Citation of owner, right of city to remove graffiti.* Whenever the owner or person responsible for control or maintenance of private property fails or refuses to remove the graffiti after notice by the city to do so, such owner or responsible person shall be cited for violation of this section. The city may, upon the owner's or responsible person's failure to act, take any necessary action to remove, repaint, or repair the graffiti-damaged property and may use public funds for such action, the cost of which shall be a lien on the property

served. Nothing in this section shall be construed to require the city to undertake such repair, repainting or removal.

- (d) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Graffiti* shall have that meaning ascribed to it in O.C.G.A. § 17-15A-2.

*Graffiti implement or paraphernalia* means any substance or material, such as, but not limited to, aerosol paint containers, permanent ink markers, paint sticks, and etchers; also, including, but not limited to, tips or nozzles which can be applied to aerosol paint containers.

- (e) *Unlawful possession on public or private property.* It shall be unlawful for any person to possess any graffiti implement or paraphernalia while in, on, at or about any private property without the owner or occupant's permission or any public property, including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, courthouses, utility stations, storm drains or any other publicly-owned, -operated and/or -maintained facility. This subsection shall not apply to persons located on public sidewalks or streets during each daily period from sunrise to sunset. This subsection shall not apply to any officer, employee or agent of the public entity that owns the public property acting within the scope of their employment.

(Ord. No. 2018-06-04, § 18-36, 6-4-2018)

### **Sec. 18-37. Tampering with utilities.**

It is unlawful for any person to disturb, tamper with, or remove any guy wires from any electric power pole, utility pole, water or gas meter, or telephone pole located within the city.

(Ord. No. 2018-06-04, § 18-37, 6-4-2018)

### **Secs. 18-38—18-50. Reserved.**

## ***DIVISION 2. LITTERING***

### **Sec. 18-51. Purpose and intent.**

The purpose of this division is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this division are:

- (1) To provide for uniform prohibition of littering on public or private property throughout the city;
- (2) To prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter; and
- (3) To preserve the value of the many unique natural resources in the city and enhance the beauty and quality of life enjoyed by the citizens of the city.

(Ord. No. 2018-06-04, § 18-51, 6-4-2018)

### **Sec. 18-52. Applicability.**

This division shall apply to all public and private property within the city.

(Ord. No. 2018-06-04, § 18-52, 6-4-2018)

### **Sec. 18-53. Compatibility with other regulations.**

This division is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this division should be considered minimum requirements, and where any provision of this division imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 2018-06-04, § 18-53, 6-4-2018)

### **Sec. 18-54. ~~Reserved.~~ Abandoned Shopping Carts**

Shopping carts that have been illegally removed from the premises of businesses and left abandoned on public or private property throughout the City constitute a public nuisance and a potential hazard to the health, safety and welfare of the public.

(a) *Public Property:* Shopping carts that obstruct free access to sidewalks, streets and other public rights-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways when abandoned within drainage culverts and easements constitute a public nuisance and potential hazard to the health, safety and welfare of the public. It is for these reasons that such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or as provided by law.

(b) *Abandoned shopping cart prevention and retrieval plan.* Each retail establishment with 10 or more shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the City. The plan shall include:

(c) *Property owners responsibility:*

(1) New developments and businesses having shopping carts shall be required to provide, upon request, a cart retrieval plan prior to the issuance of a certificate of occupancy for the facility.

(2) Abandoned shopping cart prevention and retrieval plan. Each retail establishment with shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the City.

(3) Every shopping cart made available for use by customers shall affix on each shopping cart, and maintain thereon, legible information identifying the name of the retail establishment with which it is owned or otherwise associated.

(4) Shopping carts are to be maintained on-site. The following are required measures to contain shopping carts on-site. The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

- (1) Installing disabling devices on all carts;
- (2) Installing bollards and chains around business entrances/exits to prevent cart removal;
- (3) Providing personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or combination of both.

(d) Enforcement. The provisions of this ordinance shall be enforced by code enforcement personnel. In the enforcement of this ordinance, enforcement personnel may enter upon public property which the City owns or has a right to enter to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart and remove, or cause removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this ordinance.

(e) Penalty for failure to comply . Any retail establishment that fails to remove a shopping cart and/or provide a plan upon request, shall constitute a violation of this ordinance, and are subject to the procedure and penalties that follow;

- (a) Once a merchant or point of contact has spoken with code enforcement, the merchant has 72 hours to remove carts.
- (b) The fees shall be;
  - (1) Citation for one(1) cart is \$150;
  - (2) Citation for more than one (1) cart from the same business/establishments shall incur a fee of \$150 plus \$125 for each additional cart.
- (c) Failure of any business to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$500. Any updates to the fees shall be made by the approval of City Council.

(f ) Definitions. For the purpose of this ordinance, the following terms shall apply;

Abandoned shopping cart means a shopping cart that is left unattended or discarded upon public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ordinance, any shopping cart left unattended or discarded on any public property shall be presumed

abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is the owner, employee, or authorized agent of the owner, entitled to possession of said shopping cart.

Shopping cart shall mean a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

### **Sec. 18-55. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Litter* means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "hazardous waste" as such term is defined in O.C.G.A. § 16-7-51, paragraph 6.

*Public or private property* means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

(Ord. No. 2018-06-04, § 18-55, 6-4-2018)

### **Sec. 18-56. Prohibition against littering public or private property or waters.**

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the city or any waters in the city unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

(Ord. No. 2018-06-04, § 18-56, 6-4-2018)

### **Sec. 18-57. Vehicle loads causing litter.**

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(Ord. No. 2018-06-04, § 18-57, 6-4-2018)

## Sec. 18-58. Violations, enforcement and penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this division, or to willfully obstruct, resist, impede, or interfere with the city or any code enforcement officer in connection with such person's enforcement of this division, or to retaliate or discriminate in any manner against such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor. Any person who has violated or continues to violate the provisions of this division, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.
- (b) *Evidence.*
  - (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this division, it shall be prima facie evidence that the operator of the conveyance has violated this division.
  - (2) Except as provided in subsection (b)(1) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this division is discovered to contain any articles, including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this chapter.
- (c) *Penalties.* Any person who violates this division shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:
  - (1) By a fine of not less than \$200.00 and not more than \$1,000.00, and/or imprisonment in accordance with this Code. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense;
  - (2) In addition to the fine set out in subsection (c)(1) of this section, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city;
  - (3) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of way any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence;
  - (4) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, and any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
  - (5) The court may publish the names of persons convicted of violating this division.
- (d) *Enforcement.* All city departments are hereby authorized, empowered and directed to enforce compliance with this division. Primary enforcement responsibilities for litter control are shared by the officers of the code enforcement division.
- (e) *Liability.* Neither the city nor any department, agency, board, or officer of the city shall be liable or accountable for or on account of any act or omission of any code enforcement officer in connection with such person's enforcement of the provisions of this division.

(Ord. No. 2018-06-04, § 18-58, 6-4-2018)

**Sec. 18-59. Reserved.**



## CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for TMOD 25-002 Multifamily Rental Dwellings, 2<sup>nd</sup> Read**

**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):** 05/12/25 & 05/29/25

**Current Work Session:** Click or tap to enter a date.

**Current Council Meeting:** Thursday, June 26, 2025

**SUBMITTED BY:** Shawanna Qawiy, Division Director Community Development

**PRESENTER:** Shawanna Qawiy, Divison Director Community Development & Tammy Grimes, District 5 Councilmember

**PURPOSE:** To provide amended requirements on how inspections should be completed for single/multifamily dwellings and units.

**FACTS:** There are numerous single family/multifamily dwellings/units being occupied in the City of Stonecrest leased and/ or maintained under subpar conditions. The proposed text amendment will update the requirements for dwelling/unit inspections, certificates (compliance inspection reports) and other fee requirements.

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

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

**ATTACHMENTS:**

(1) Attachment 1 - Redlined Ordinance





## CITY COUNCIL AGENDA ITEM

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- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 -
- (5) Attachment 5 - [Click or tap here to enter text.](#)

## - CODE OF ORDINANCES

## Chapter 15 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE XIII. SINGLE FAMILY/MULTIFAMILY RENTAL DWELLINGS**ARTICLE XIII. SINGLE FAMILY/ MULTIFAMILY RENTAL DWELLINGS****Sec. 15-13-1. Definitions.**

For the purpose of this article, certain terms and words are defined. Where words have not been defined, but are defined in chapter 1, those words shall have the meaning defined therein. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them as directed below, except where the context clearly indicates a different meaning:

*Certified building inspector* ~~means a person who has been authorized to perform inspections pursuant to the process established by this article, provided that such person maintains the qualifications for certification as established by this article~~ means a person who at a minimum is a certified/licensed as a building inspector that holds one (1) of the following certifications from SBCCI (ICC): Property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector and is listed on a list of authorized certified building inspectors maintained and published by the city manager or his/her designee.

*Compliance certificate* means a certificate, in a form authorized by the City Manager or his/her designee, executed by a certified building inspector showing compliance with those minimum requirements described in the inspection report attached thereto.

*Inspection report* means the report attached to the code compliance certificate describing minimum requirements for inspection of each dwelling/unit.

*Lease* means any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of single family/multifamily rental dwellings or multifamily rental units.

*Single Family/ Multifamily rental dwelling* means any dwelling unit designed for and containing more than one lodging or dwelling unit, as defined in chapter 27, article 9, of the City of Stonecrest Code of Ordinances, that is leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. The term "multifamily rental dwelling," includes, but is not limited to, multifamily dwelling units, multifamily apartments, duplexes, triplexes, boardinghouses, rooming houses, group homes, and flats.

*Multifamily rental unit* means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is leased or available for lease to an occupant.

*Single Family dwelling means boarding houses, rooming houses, group homes, personal care homes, and flats.*

*Occupant* means any person who is a tenant, lessee, or a person residing within a multifamily rental dwelling or multifamily rental unit.

*Owner* means any person, agent, firm, or corporation having a legal or equitable interest in the premises.

*Owner-occupied. Any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multi-family rental units. Example: two-family dwelling, owner occupies one (1) flat; rooming house, owner occupies one (1) unit.*

*Premises* means any lot or parcel of real property on which exists one or more single- family/multifamily rental dwellings or multifamily rental units.

(Ord. No. 2018-06-01, § 3(15.13.1), 6-18-2018)

### Sec. 15-13-2. Certification process, requirements, forms and appeals.

- (a) *Process.* The City Manager or his/her designee shall create the process for certifying building inspectors, shall establish the requirements and application for becoming a certified building inspector, and shall administer the process. A nonrefundable administrative fee set by the city council shall be required to be submitted with all applications to be a certified building inspector. Persons who have successfully completed the certification process issued by the City Manager or his/her designee shall be designated as certified building inspectors authorized to perform the inspections required by this article.
- (b) *Compliance certificates and inspection reports.* The City Manager or his/her designee is authorized to create the forms for compliance certificates and inspection reports. At a minimum, inspection reports submitted to the city must contain the certified building inspector's signature and date of certification. A certified building inspector shall personally perform the inspections required by this article. The certified building inspector signing the inspection report and performing the inspection shall not be an employee of, otherwise related to, or affiliated in any way with any owner or occupant of the single-family/multifamily rental dwelling or multifamily rental dwelling unit being inspected. Failure to have a certified building inspector personally perform an inspection shall nullify any such compliance certificate.
- (c) *Certified building inspectors.*
  - (1) *Minimum requirements.* At a minimum, a certified building inspector shall be a licensed /certified architect or engineer-building inspector and shall hold one of the following certifications from the International Code Council: property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building inspector, building inspector, building inspector, building plan examiner or commercial combination inspector.
  - (2) *Denial of certification.* Upon receipt of a complete application to be a certified building inspector, the City Manager or his/her designee shall have 45 days to grant or deny the application. If denied, the City Manager or his/her designee shall notify the applicant in writing of the reasons for the denial at the address set forth on the application.
  - (3) *Revocation of certification.* Upon a certified building inspector's conviction of a violation of section 15-13-4(c) of this article, or if a certified building inspector no longer meets the minimum requirements set forth in this article, the City Manager or his/her designee shall revoke the authority of that individual to act as a certified building inspector. The City Manager or his/her designee shall notify the individual in writing of the reasons for the revocation at the address set forth on the application to be a certified building inspector.
  - (4) *Appeals.* Any applicant or certified building inspector believes the provisions of this article have been applied in error may file an appeal therefrom in accordance with article XVI of this chapter.

(Ord. No. 2018-06-01, § 3(15.13.2), 6-18-2018)

### Sec. 15-13-3. Inspection, certificate and fee required.

Commencing on January 1, 2019, it shall be unlawful for any owner or agent of an owner to engage in the leasing of a single-family/multifamily rental unit without first possessing a compliance certificate.

- (a) *Compliance certificate.* A compliance certificate shall contain the certification of a certified building inspector that all single-family /multifamily rental dwellings and/or multifamily rental units subject to this article have been inspected within the 12-month period immediately preceding the date of certification and are in compliance with applicable provisions of the Code and the requirements set forth in the code compliance certificate and inspection report.

- (1) Commencing on ~~January 1, 2019,~~ all owners of ~~single-family\~~ multifamily rental dwellings and/or multifamily rental units within the incorporated parts of the city that receive income from ~~four~~ **one (1)** or more such units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the incorporated parts of the city shall file, simultaneously with their **business license renewal** and business occupation tax return, code compliance certificates covering ~~50~~ **100** percent of the owner's ~~single-family\~~ multifamily rental units located within the incorporated parts of the city.
  - (2) Each owner shall submit a code compliance certificate annually with their business license renewal. Such certificate shall cover at least **100 percent for a single family dwelling** and fifty (50) percent of the units ~~at the development for multifamily~~. Every unit shall be inspected, at a minimum, every ~~twenty-four (24)~~ **12** months and shall appear on a code compliance certificate at least every other year. All ~~dwellings\~~ units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.
  - (3) **Newly constructed units shall be exempt from the code compliance certificate requirement of subsection (a) for twelve (12) months from the date that such units receive a new construction certificate of occupancy from the city. Instead, separately from any certificate that may be required under subsection (a), the owner of newly constructed units (as defined in this subsection) shall submit a code compliance certificate annually for fifty (50) percent of all newly constructed units. No newly constructed unit shall appear on a code compliance certificate required by this section in consecutive years. Upon the date that is twelve (12) months after an initial certificate of occupancy is issued, a unit shall be deemed to no longer be "newly constructed" and shall be subject to subsection (a) from that date forward.**
  - (4) After submission of the initial code compliance certificates, owners shall submit code compliance certificates annually with their business occupational tax return. Each subsequent code compliance certificate shall show an internal and external inspection of at least ~~20~~ **fifty 50** percent of the units on a premises and all units on the premises shall be inspected, at a minimum, **annually**. All units inspected shall be listed individually on the code compliance certificate submitted by the certified building inspector.
- (b) *Fee.* A nonrefundable administrative fee set by the city council shall be required to be submitted with all code compliance certificates.
- (c) *Inspections and repairs.* Upon initial inspection of ~~single-family\~~ multifamily rental dwellings and multifamily rental units subject to this article, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth in the Code, an acceptable plan shall be submitted to the **chief** building official **or his/her designee**, outlining the time and scope necessary to bring the units into compliance. If the plan is accepted by the **chief** building official as reasonable and justified, an extension of the time for compliance with this article may be granted for up to six months so that necessary repairs may be completed. No extension shall be granted if life or safety issues are involved, and none of the units where life or safety issues are involved shall be leased until brought into compliance with the minimum standards set forth in the Code. For years subsequent to the initial year, the six month extension for repairs is not available.
- (d) *Written record of inspection.* Each owner and certified building inspector shall for a period of five years from the date of inspection keep a written record of inspection for each ~~single family\~~ multifamily rental dwelling and/or multifamily rental unit, including the date of the inspection, items inspected, and all violations, if any, observed. These records shall be presented to the **chief** building official within ten business days after a request is made in writing to the owner or inspector. Failure to provide these records shall nullify the compliance certificate for such dwellings or units.

- (e) *Exemptions.* Provided all other required permits, certificates and/or permissions are obtained from the city, this section shall not apply to multifamily rental dwellings or multifamily rental units for a period of ~~five years~~ one (1) year following issuance of a certificate of occupancy for such dwelling or unit.

**Exhibit "A"**

**SINGLE/MULTI FAMILY INSPECTION COMPLIANCE CERTIFICATE**

Stonecrest Building Division

Attn: Chief Building Official

City of Stonecrest | City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia 30038

Re: [Name and address of Community]

Date: \_\_\_\_\_ Total Number of Units Inspected: \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Units Inspected (Listed individually)

The undersigned is a Certified Building Inspector pursuant to City of Stonecrest Ordinance Section 15-13-2 ( c) and provides this certification pursuant to such Ordinance.

Those dwellings/apartment units listed on the inspection reports attached hereto have been inspected and found to be in compliance with applicable building codes of the City of Stonecrest currently in effect.

For purposes of this certification, compliance with applicable building codes shall be deemed to mean that those units inspected meet those certain minimum standards for basic equipment and facilities for dwellings as set forth on the inspection reports attached hereto.

In the event that the undersigned is an employee of the owner or property manager of the community, the undersigned is acting only in such capacity and shall incur no personal liability in connection with such inspections.

Nothing herein imposes any liability on the City of Stonecrest or prevents the City of Stonecrest from enforcing Georgia Minimum Standard Codes as provided by Georgia law and the Stonecrest Code of Ordinances.

Certified and sworn this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_

[Signature of Inspector]

Name:

Registration Number:

Certification Held:

**SINGLE/MULTI FAMILY INSPECTION COMPLIANCE INSPECTION REPORT****Name/Address of Community:****Dwelling No/Address.:** \_\_\_\_\_ **Date of Inspection:** \_\_\_\_\_

	<u>Minimum Standards for Basic Equipment &amp; Facilities for Dwellings</u>	<u>PASS</u>	<u>FAIL</u>	<u>Action Required for Compliance</u>
<u>1.</u>	<u>Flooring is impervious in kitchen and bath areas</u>			
<u>2.</u>	<u>Privacy for bathrooms</u>			
<u>3.</u>	<u>Hot and cold water supply</u>			
<u>4.</u>	<u>Heating facilities in good working order, no unvented heating appliances in sleeping rooms</u>			
<u>5.</u>	<u>Garbage disposal facilities (trash cans or sink grinder for food stuff disposal)</u>			
<u>6.</u>	<u>Smoke detector devices as required by law</u>			
<u>7.</u>	<u>Windows, 8% glazing of floor space for light and ventilation, 45% shall be operable with screens if no air conditioning. Windows shall be in good repair and rodent proof, no open cracks or holes</u>			
<u>8.</u>	<u>Plumbing facilities including kitchen sink, lavatory, tub or shower, and water closet, are clean and sanitary and are in good working order</u>			
<u>9.</u>	<u>Electrical in good working order with proper covers, no exposed wiring, existing light fixtures in good working order</u>			
<u>10.</u>	<u>Both interior and exterior doors, jams and hardware in good working order</u>			
<u>11.</u>	<u>Stairs in good working order with protective railings (interior and exterior)</u>			
<u>12.</u>	<u>Interior floors, walls and ceiling kept in good repair</u>			
<u>13.</u>	<u>Proper number of residents per bedroom as required by law</u>			
<u>14.</u>	<u>Extermination as needed</u>			
<u>15.</u>	<u>Exit requirements, unobstructed means of egress leading to safe and open space</u>			
<u>16.</u>	<u>Care of premises requires property to be generally maintained with no excessive trash, rubbish or similar items</u>			
<u>17.</u>	<u>Address numbers posted and in plain view</u>			
<u>18.</u>	<u>OTHER/ NOTES</u>			

(Ord. No. 2018-06-01, § 3(15.13.3), 6-18-2018)

#### Sec. 15-13-4. Violations.

- (a) No business (license) occupation tax certificate shall be issued to any owner until the owner provides the city with a code compliance certificate (s) annually in the form and manner required by this article.
- ~~(b) Any person who does anything prohibited or fails to do anything required by this article, shall, upon conviction, be punished as provided by this Code.~~
- (b) Failure to provide the code compliance certificate as provided herein shall be a violation of this article and is subject to those penalties contained herein. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said single-family \multi-family rental dwelling or multi-family rental unit(s) to inspection by the city building official and fines imposed by the municipal court, not less than two hundred dollars (\$200.00) per dwelling/unit and no more than one thousand dollars (\$1,000.00).
- (c) Said inspection by the city, if required, shall be at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes. Failure to pay the occupational tax as provided herein shall be a violation of this ordinance and is subject to those penalties set forth in this article. Nothing contained in this section shall prevent the city from enforcement of the state minimum standard codes as provided in of this Code of Ordinances of the City of Stonecrest.
- (d) An owner who knowingly furnishes or participates in furnishing a code compliance certificate to the city falsely certifying that a single-family dwelling or all multifamily rental dwellings or multifamily rental units inspected are in compliance with the requirements set forth in the code compliance certificate shall be guilty of a violation of this article for each single family \multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false.
- (e) A certified building inspector who knowingly furnishes or participates in furnishing an inspection report containing false information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the city as shown by the inspection report shall be guilty of a violation of this article.

(Ord. No. 2018-06-01, § 3(15.13.4), 6-18-2018)

#### Secs. 15-13-5—15-13.51. Reserved.

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

ORDINANCE 2025-\_\_\_\_

1 AN ORDINANCE TO AMEND CHAPTER 15 – LICENSES, PERMITS AND  
2 MISCELLANEOUS BUSINESS REGULATIONS ARTICLE XIII MULTIFAMILY  
3 RENTAL DWELLINGS OF THE CITY OF STONECREST CODE OF ORDINANCES TO  
4 ADD CERTAIN RESTRICTIONS TO LICENSE HOLDERS OF SINGLE FAMILY/  
5 MULTIFAMILY RENTAL DWELLINGS IN THE CITY OF STONECREST; TO  
6 PROVIDE FOR AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO  
7 PROVIDE FOR OTHER LAWFUL PURPOSES.

8 WHEREAS, the City of Stonecrest, Georgia (the “City”) is a municipal corporation  
9 created under the laws of the State of Georgia; and

10 WHEREAS, the duly elected governing authority of the City is the Mayor and Council  
11 (“City Council”) thereof; and

12 WHEREAS, the City Council shall have the authority to adopt and provide for the  
13 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem  
14 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,  
15 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City  
16 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

17 WHEREAS, the purpose of Chapter 15 – LICENSES PERMITS AND  
18 MISCELLANEOUS BUSINESS REGULATIONS Article XIII – MULTIFAMILY RENTAL  
19 DWELLINGS of the City of Stonecrest Code of Ordinances is to protect the public health, safety,  
20 environment, and general welfare through certain regulations; and

21 WHEREAS, the City desires to amend Chapter 15 – LICENSES PERMITS AND  
22 MISCELLANEOUS BUSINESS REGULATIONS Article XIII – MULTIFAMILY RENTAL



DWELLINGS to add certain restrictions to license holders of single family/multifamily rental dwellings in the City of Stonecrest; and

**WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

**NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority therefore:**

**Section 1.** Chapter 15 – LICENSES PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS Article XIII – SINGLE FAMILY/ MULTIFAMILY RENTAL DWELLINGS OF THE CITY OF STONECREST CODE OF ORDINANCES are hereby amended to ADD CERTAIN RESTRICTIONS TO LICENSE HOLDERS OF SINGLE FAMILY/ MULTIFAMILY RENTAL DWELLINGS IN THE CITY OF STONECREST. That the text of the Ordinance is established through the adoption of the provisions set forth in Exhibit A attached hereto and made a part by reference.

**Section 2.** That the amended ordinance be read and codified as follows with added text in **red font, bold and underlined** and deleted text in **red and strikethrough** font.

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

**Section 4.** a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their 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

48 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
49 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
50 Ordinance.

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

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

62 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
63 repealed to the extent of the conflict only.

64 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the  
65 Mayor and Council unless otherwise stated herein.

66 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the State  
67 of Georgia and the City of Stonecrest.

68 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the  
69 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

70 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such  
71 intention.

72 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF STONECREST, GEORGIA**

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

**ATTEST:**

\_\_\_\_\_ (SEAL)  
*City Clerk*

**APPROVED AS TO FORM:**

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

## **EXHIBIT A**



## CITY COUNCIL AGENDA ITEM

---

**SUBJECT: Ordinance for Amendment Recommendations to Chapter 2 – Administration, 2<sup>nd</sup> Read**

---

**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):** 06/9/25 & Click or tap to enter a date.

**Current Work Session:** Click or tap to enter a date.

**Current Council Meeting:** Thursday, June 26, 2025

---

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

**PRESENTER:** Mayor Jazzmin Cobble, City Manager Gia Scruggs

**PURPOSE:** The recommendations are being presented as a result of a in depth review of the current code and the most recent budget cycle. The purpose of this item is to provide updates to the code that that have been previously discussed and need to be codified.

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

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

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

**ATTACHMENTS:**

- (1) Attachment 1 - Sec.\_2\_55.\_\_Authorization. (1)
- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.



## CITY COUNCIL AGENDA ITEM

---

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

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

## CHAPTER 2 - ADMINISTRATION

### ARTICLE III. - DEPARTMENTS

#### Sec. 2-55. Authorization.

The following departments are established by the council:

- ~~(1) — Administration;~~
- ~~(2) — Business Development;~~
- ~~(3) — Communications;~~
- ~~(4) — Community and Cultural Affairs;~~
- ~~(5) — Community Development;~~
- ~~(6) — Economic Development;~~
- ~~(7) — Finance;~~
- ~~(8) — Information Technology;~~
- ~~(9) — Municipal Court;~~
- ~~(10) — Public Safety;~~
- ~~(11) — Public Works; [and]~~
- ~~(12) — Parks and Recreation.~~

- (1) Administration**
  - (a) Human Resources**
  - (b) Facilities/General Operations**
  - (c) Communications**
  - (d) Information Technology/GIS**
- (2) Community Development**
  - (a) Buildings**
  - (b) Land Development**
  - (c) Code Enforcement**
  - (d) Planning and Zoning**
- (3) Economic Development**
  - (a) Business Development**
- (4) Public Works**
  - (a) Engineering**
- (5) Parks, Recreation and Cultural Affairs**
  - (a) Community and Cultural Affairs**
- (6) Finance**
- (7) Public Safety**

The Charter created the offices/departments below:

- (8) Municipal Court**
- (9) Mayor & Council**
- (10) Office of the City Manager**
- (11) Office of the City Clerk**
- (12) Legal**
- (13) Internal Audit**

One or more departments may be combined to form one or more multifunctional departments.



**STATE OF GEORGIA**  
**COUNTY OF DEKALB**  
**CITY OF STONECREST**

**ORDINANCE \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION) ARTICLE III.**  
2 **(DEPARTMENTS) SECTION 2-55. (AUTHORIZATION.) OF THE CITY OF**  
3 **STONECREST CODE OF ORDINANCES TO ESTABLISH, MERGE AND ABOLISH**  
4 **CERTAIN DEPARTMENTS WITHIN THE CITY OF STONECREST; TO PROVIDE**  
5 **FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
6 **ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**  
7 **OTHER LAWFUL PURPOSES.**  
8

9 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation  
10 created under the laws of the State of Georgia; and

11 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council  
12 (“City Council”) thereof; and

13 **WHEREAS**, the City is committed to improving the efficiency, transparency, and  
14 responsiveness of its governmental operations; and

15 **WHEREAS**, the City Council, in consultation with the Mayor and City Manager, has  
16 determined that a reorganization of certain departments is necessary and in the best interests of the  
17 residents; and

18 **WHEREAS**, the City Council shall have the authority to adopt and provide for the  
19 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem  
20 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,  
21 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City  
22 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

23           **WHEREAS**, in accordance with Section 2.12. (Administrative and service departments.)  
24 of the City Charter the City Council by ordinance, may establish, abolish, merge departments, and  
25 agencies of the City as it shall deem necessary for the proper administration of the affairs and  
26 government of the city; and

27           **WHEREAS**, the City desires to amend Chapter 2 (Administration) Article III.  
28 (Departments) Section 2-55. (Authorization.) of the City of Stonecrest Code of Ordinances to  
29 establish, merge and abolish certain departments within the City of Stonecrest; and

30           **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
31 impacted by the adoption of this Ordinance.

32           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
33 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**  
34 **thereof:**

35           **Section 1. DEPARTMENTAL REORGANIZATION.** Chapter 2 (Administration) Article  
36 III. (Departments) Section 2-55. (Authorization.) of the City of Stonecrest Code of Ordinances is  
37 hereby amended to establish, merge and abolish certain departments within the City of Stonecrest.  
38 That certain departments are established, merged and abolished through the adoption of the  
39 provisions set forth in Exhibit A attached hereto, made a part by reference and as explained below.

40           **Section 2. MERGER OF DEPARTMENTS.**

- 41           ○ The Department of Business Development shall be merged with the existing  
42           Department of Economic Development.
- 43           ○ The Department of Communications shall be merged with the existing Department  
44           of Administration.

- The Department of Information Technology shall be merged with the existing Department of Administration.
- The Department of Community and Cultural Affairs shall be merged with the Department of Parks and Recreation to form a new Department of Parks, Recreation and Cultural Affairs.

### **Section 3. CREATION OF NEW DEPARTMENTS/OFFICES.**

- A new department, to be known as the “Legal Department,” is hereby created and shall be responsible for providing legal counsel to the Mayor, City Council, City departments, boards, and commissions; Representing the City in all legal proceedings, including civil litigation and administrative hearings; Drafting and reviewing ordinances, resolutions, contracts, and other legal documents; Prosecuting violations of city ordinances and assist with code enforcement actions; Providing legal guidance on employee relations, land use, procurement, and other municipal matters; Maintaining oversight of legal risk and recommend policy or procedural changes to mitigate liability.
- A new department, to be known as the “Internal Audit Department,” is hereby created and shall be responsible for auditing the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council, but no less than quarterly.
- A new Office, to be known as the “Office of the City Clerk,” is hereby created and shall be responsible for keeping a journal of the proceedings of the city council, to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such duties as may be required by law or ordinance or as the

city council or city manager may direct which shall include, but not limited to: Prepare, record, and maintain minutes, ordinances, resolutions, and other legislative records of the City Council; Serve as the custodian of the City Seal and all official City documents and archives; Administer public records requests in accordance with state and local laws; Manage the publication of legal notices and maintain the municipal code; Administer local elections; Issue official documents as designated by City ordinance.

**Section 4. DISSOLUTION OF DEPARTMENTS.**

○ The Department of Business Development, as previously constituted, is hereby dissolved. All assets, personnel, records, and active programs shall be transferred to the newly created or existing department(s).

○ The Department of Communications, as previously constituted, is hereby dissolved. All assets, personnel, records, and active programs shall be transferred to the newly created or existing department(s).

○ The Department of Community and Cultural Affairs, as previously constituted, is hereby dissolved. All assets, personnel, records, and active programs shall be transferred to the newly created or existing department(s).

○ The Department of Information Technology, as previously constituted, is hereby dissolved. All assets, personnel, records, and active programs shall be transferred to the newly created or existing department(s).

○ The Department of Parks and Recreation, as previously constituted, is hereby dissolved. All assets, personnel, records, and active programs shall be transferred to the newly created or existing department(s).

91        **Section 5.** That the amended ordinance be read and codified as follows with added text in **red**  
92        **font, bold and underlined** and deleted text in red and ~~strikethrough~~ font.

93        **Section 6.** The preamble of this Ordinance shall be considered to be and is hereby incorporated  
94        by reference as if fully set out herein.

95        **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
96        sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
97        enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

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

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

114           **Section 8.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
115 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

116           **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
117 repealed to the extent of the conflict only.

118           **Section 10.** The effective date of this Ordinance shall be the date of its adoption by the  
119 Mayor and Council unless otherwise stated herein.

120           **Section 11.** The Ordinance shall be codified in a manner consistent with the laws of the  
121 State of Georgia and the City of Stonecrest.

122           **Section 12.** It is the intention of the governing body, and it is hereby ordained that the  
123 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
124 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such  
125 intention.

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2025.

[SIGNATURES ON FOLLOWING PAGE]

**CITY OF STONECREST, GEORGIA**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT A**



## CHAPTER 2 - ADMINISTRATION

### ARTICLE III. - DEPARTMENTS

#### Sec. 2-55. Authorization.

The following departments are established by the council:

- ~~(1) — Administration;~~
- ~~(2) — Business Development;~~
- ~~(3) — Communications;~~
- ~~(4) — Community and Cultural Affairs;~~
- ~~(5) — Community Development;~~
- ~~(6) — Economic Development;~~
- ~~(7) — Finance;~~
- ~~(8) — Information Technology;~~
- ~~(9) — Municipal Court;~~
- ~~(10) — Public Safety;~~
- ~~(11) — Public Works; [and]~~
- ~~(12) — Parks and Recreation.~~

- (1) Administration
  - (a) Human Resources
  - (b) Facilities/General Operations
  - (c) Communications
  - (d) Information Technology/GIS
- (2) Community Development
  - (a) Buildings
  - (b) Land Development
  - (c) Code Enforcement
  - (d) Planning and Zoning
- (3) Economic Development
  - (a) Business Development
- (4) Public Works
  - (a) Engineering
- (5) Parks, Recreation and Cultural Affairs
  - (a) Community and Cultural Affairs
- (6) Finance
- (7) Public Safety

The Charter recognizes the entities, offices and appointed officials below:

- (8) Municipal Court
- (9) Mayor & Council
- (10) Office of the City Manager
- (11) Office of the City Clerk
- (12) Legal
- (13) Internal Audit

One or more departments may be combined to form one or more multifunctional departments.



## CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for Amendment Recommendations to Chapter 14 – Land Development, 2<sup>nd</sup> Read**

**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):** 06/9/25 & Click or tap to enter a date.

**Current Work Session:** Click or tap to enter a date.

**Current Council Meeting:** Thursday, June 26, 2025

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

**PRESENTER:** Mayor Jazzmin Cobble, City Manager Gia Scruggs

**PURPOSE:** The recommendations are being presented as a result of a in depth review of the current code and the most recent budget cycle. The purpose of this item is to provide updates to the code that that have been previously discussed and need to be codified.

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

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

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

**ATTACHMENTS:**

- (1) Attachment 1 - Chapter\_14\_\_\_LAND\_DEVELOPMENT
- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.



## CITY COUNCIL AGENDA ITEM

---

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

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

## Chapter 14 LAND DEVELOPMENT

### ARTICLE I. IN GENERAL

#### Sec. 14-1. Definitions.

Where words are not herein defined, but are defined in chapter 1, those words shall have the meaning, as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*100-year floodplain* means land in the floodplain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*Aggrieved person* means a person whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

*Agricultural operations* means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

*Alley* means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

*Appeal* means a review authorized by this chapter of any final order, requirement, or decision of the ~~planning director~~ community development director or his/her designee or the City staff based on or made in the enforcement of this chapter.

*Applicant* means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

*As-built drawings* means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

*Bank (stream bank)* means the sloping land that contains the stream channel and the normal flows of the stream.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

*Best management practices (BMPs)* includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia, published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

*Bicycle lane* means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the planning director may delineate the outline of the block.

*Buffer area* means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of the City of Stonecrest Code and all conditions of zoning, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district.

*Buffer, stream,* means the portion of a lot and/or area of land immediately adjacent to the banks of streams as regulated by land development regulations of this chapter.

*Buffer zone, state,* means an area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Buildable area* means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

*Builder* means a person who constructs a structure or dwelling for residential occupancy by humans.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building permit* means required written permission issued by the development director for the construction, repair, alteration, or addition to a structure.

*Building setback line.* Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set back line requirements in chapter 27 of the Code of the City of Stonecrest and any zoning conditions approved thereto. The size of the utility easements for a private street shall be equal to the required size of the public right-of-way and shall not be any smaller in width or length than what would be required for a public right-of-way.

*CPESC* means a certified professional in erosion and sediment control with current certification by Certified Professional in Erosion and Sediment Control Inc. (EnviroCert, Inc.), a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

*Caliper* means the diameter of a tree trunk, applied only to new or replacement plantings, that is taken six inches above the ground for up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

*Certified personnel* means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

*Channel* means a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

*Channel protection* means the protection of stream channels, in accordance with the Georgia Stormwater Management Manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

*City Manager* means the City Manager of the City of Stonecrest or designee.

*City zoning ordinance or zoning ordinance* means the zoning ordinance of the City of Stonecrest, Georgia.

*Clean concrete* means concrete that is free of added paints, insulators, reinforcing materials, sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that could potentially contaminate groundwater.

*Coastal Marshlands* shall have the same meaning as in O.C.G.A. § 12-5-282.

*Collector street* means a street or road designated as a collector street in the thoroughfare plan.

*Combination plat* means the combination or redivision of two or more lots, tracts or parcels, regardless of their existing and future use, into one lot, tract, or parcel.

*Commission* means the Georgia Soil and Water Conservation Commission (GSWCC).

*Comprehensive plan* means the City of Stonecrest Comprehensive Plan adopted by the city council, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long term planning and use of land.

*Conservation easement* means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

*Construction* means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

*Construction waste* means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

*Critical root zone* means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one foot per inch DBH.

*Crosswalk* means a right-of-way within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

*DBH (Diameter at breast height)* means the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

*DNR* means the Department of Natural Resources of the State of Georgia.

*Deck, elevated,* means an open, unenclosed structure elevated above pervious natural grade that is attached to the primary structure.

*Density factor* means a unit of measurement used to prescribe the calculated required tree coverage on a site.

*Department* means the community development department or its designee.

*Design professional* means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design

Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

*Detention* means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge of the stormwater, as that term is defined by state law or this chapter.

*Detention facility* means a facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

*Developer* means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

*Development* means all activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, stormwater drainage facilities, sidewalks or other structures permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases.

*Development director, ~~Planning Director,~~ or Director* means the director of the community development department of the City of Stonecrest or designee.

*Development permit* means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

*Director of Community Development* means the city official having the primary responsibilities of administration and enforcement of the ~~tree protection ordinance.~~ Buildings, Land Development, Code Enforcement and Planning and Zoning Divisions. The term "Director of Community Development" may also be referred to as the development director, ~~planning director,~~ or the director.

*Director, EPD,* means the director of the Environmental Protection Division of the Department of Natural Resources.

*District* means the DeKalb County Soil and Water Conservation District.

*Division* means the Environmental Protection division of the Department of Natural Resources.

*Drainage* means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

*Drainage easement* means an easement appurtenant or attached to a tract or parcel of land allowing the owners of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

*Drainage plan* means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

*Drainage structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Drainage system* means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

*EPD* means the environmental protection division of the department of natural resources.



*Elevated building* means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.

*Exceptional and historical trees* means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 6, 1974.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Extended detention* means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

*Extreme flood protection* means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years.

*Fill* means a portion of land surface to which properly compacted soils have been added: The depth above the original ground surface or an excavation.

*Final stabilization* means that all soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures, as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

*Flood hazard map* means the current Federal Emergency Management Agency hazard map designating the elevation and boundaries of flooding and associated floodways under base flood conditions, any subsequent official flood hazard map adopted by the City, the United States Army Corps of Engineers or other reputable reports accepted by the Director, and based upon competent engineering studies prepared by a currently state-registered professional engineer, or the city.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

*Floodplain* means any land area susceptible to flooding, which would have at least a one percent probability of a flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term "floor" does not include the floor of a garage used solely for parking vehicles.

*Footpath* means any unpaved, narrow and pervious trail in a stream buffer allowing for pedestrian travel.

*Frontage, lot* means the distance for which the front boundary line of the lot and the street line are coincident.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term "functionally dependent facility" does not include long-term storage, manufacture, sales, or service facilities.

*Georgia Stormwater Management Manual* is the manual adopted by the mayor and council that provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this chapter.

*Governing authority of the City of Stonecrest* means the city's mayor and council.

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

*Ground elevation* means the original elevation of the ground surface prior to cutting or filling.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

*Historic structure.* See chapter 13.5 of the DeKalb County Code.

*Impervious surface* means any surface that is highly resistant to infiltration by water, including, but not limited to, surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

*Infiltration* means the process of percolating stormwater runoff into the soil.

*Inspection and maintenance agreement* means a written agreement executed by an owner in a form approved by the director that will provide the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

*Intermediate regional flood (IRF)* means a 100-year frequency flood, as defined on the flood hazard map, which has a probability of occurring once every 100 years or having a one percent chance of being equaled or exceeded in any given year. Also known as the base flood, or 100-year flood.

*Intermediate regional floodplain* means the land area within the floodplain within a community subject to a one percent or greater chance of flooding in any given year, as defined on the flood hazard map. Also known as area of special flood hazard, or 100-year floodplain.

*Land-disturbing activity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices.

*Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

*Live detention* means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

*Local issuing authority (LIA)* means the governing authority of the City of Stonecrest.

*Local street* means a street used primarily for access to abutting properties in residential, industrial or other developments.

*Lot* means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately-owned, used, developed, or built upon.

*Lot, corner*, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot, double-frontage*, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

*Maintenance of detention facility* means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet devices and rectifying any unforeseen erosion problems.

*Major thoroughfare/major arterial* means a street, road or highway shown as a major thoroughfare in the thoroughfare plan.

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

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Metropolitan River Protection Act (MRPA)* means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

*Minor thoroughfare/minor arterial* means a street, road or highway shown as a minor thoroughfare in the thoroughfare plan.

*Multi-phase residential development* means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

*NOI* means a notice of intent form provided by EPD for coverage under the State General Permit.

*NOT* means a notice of termination form provided by EPD to terminate coverage under the State General Permit.

*National geodetic vertical datum (NGVD)*, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

*Natural ground surface* means the ground surface in its original state before any grading excavation or filling.

*Nephelometric turbidity units (NTUs)* means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

*New construction* means any structure for which the permitted date of construction commenced after adoption of this chapter.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

*Nonpoint source pollution* means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

*Nonstructural stormwater management practice or nonstructural practice* means any natural or planted vegetation or other nonstructural component and practice of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and, includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, vegetated channels and natural depressions.

*Off-site facility* means a stormwater management facility located outside the boundaries of the site.

*On-site facility* means a stormwater management facility located within the boundaries of the site.

*Open space* means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

*Operator* means the party or parties that have:

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

- (b) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Outfall* means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on-site, becomes a point source discharging into that receiving water.

*Overbank flood protection* means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

*Owner* means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant including a developer.

*Parcel* means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

*Permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

*Phase* or *phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

*Planning commission* means the planning commission of the City of Stonecrest.

*Post-development* refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of land development activity on a site as the context may require.

*Potential purchaser* means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

*Predevelopment* refers to the wooded conditions of a site.

*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.

*Properly designed* means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

*Protected zone* means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the Zoning Ordinance or by conditions of zoning or variance approval.

*Public facilities* shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

*Qualified personnel* means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

*Reach* means a longitudinal segment of a stream or river measured along specified points on the stream or river.

*Reasonable access* means a 15-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four sides of the stormwater management facility.

*Recreation areas* means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

*Recreational vehicle* means a vehicle that is:

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

*Recycled concrete aggregate* means clean concrete made up of previously used concrete construction material that has been cleaned and crushed for use in future construction projects.

*Redevelopment* means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

*Regional stormwater management facility or regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

*Residential* shall have the same meaning as given in chapter 27 except that it shall not include apartments.

*Riparian* means belonging or related to the bank of a river, stream, lake, pond or impoundment.

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

*Rock outcropping* means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than 200 square feet.

*Runoff* means the portion of precipitation on the land that reaches the drainage system.

*Runoff coefficient* means the ratio of runoff to rainfall.

*Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

*Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*Sedimentation facility* means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

*Sediment basin* means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

*Seller* means a builder or developer.

*Significant tree* means any existing, healthy, living tree eight inches DBH or greater in size.

*Site plan* means that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform with applicable provisions of this chapter and other applicable ordinances.

*Soil and Water Conservation District Approved Plan* means an erosion, sedimentation, and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

*Soil stabilizer* means construction material placed on the soil surface to add stability for future construction projects.

*SS & WCC* means the state soil and water conservation commission.

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

*Start of construction* includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*State* means the State of Georgia.

*State General Permit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and O.C.G.A. § 12-5-30(f).

*State Waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*Stormwater better site design* means nonstructural site design approach and technique that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

*Stormwater hotspot* means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of stormwater hotspots include, but are not limited to, the following: gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites, and industrial rooftops.

*Stormwater management facility* means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

*Stormwater management manual* means the Georgia Stormwater Management Manual.

*Stormwater management measure* means any stormwater management facility or nonstructural stormwater practice.

*Stormwater quality site development review tool* is an Excel spreadsheet tool available from the Georgia Stormwater Management Manual or website for use by both local government review staff and the development community to quickly evaluate the water quality performance of stormwater management plans for development sites. All new development and redevelopments in the City of Stonecrest use the stormwater quality site development review tool to facilitate the evaluation of the project in accordance with recommendations of this chapter and the Georgia Stormwater Management Manual.

*Stormwater retrofit* means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

*Streambank* means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

*Street, private*, means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in article III, division 3, Part B of this chapter.

*Street, public*, means any right-of-way set aside for public travel deeded to the city and any right-of-way that has been accepted for maintenance as a street by the city. Public streets shall also include any right-of-way deeded to DeKalb County that are part of the municipal street system and were located within the incorporated limits of the City prior to the incorporation of the City of Stonecrest.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a street right-of-way.

*Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

*Structural Erosion, Sedimentation and Pollution Control Practices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

*Structural fill material* means construction material used to support structures or build up a piece of land or embankment.

*Structural stormwater control* means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

*Subdivision* means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds 50 percent of



the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. The term "substantial improvement" includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to ensure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a state inventory of historic places.

*Substantially improved existing manufactured home parks or subdivision* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*SWCD* means the Soil and Water Conservation District of DeKalb County.

*Thoroughfare plan* means a comprehensive street plan of the city indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets. The term "thoroughfare plan shall mean the DeKalb County Thoroughfare Plan in effect on the date of adoption of the ordinance from which this chapter is derived, including the 2014 Transportation Plan adopted by DeKalb County and the Map 1 DeKalb County Recommended Functional Classification, or any subsequent thoroughfare plan adopted by the City

*Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

*Tree harvesting* means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the zoning board of appeals.

*Tree save area* means the boundaries of the area or areas surrounding trees wherein it is essential that they remain undisturbed in order to prevent damage and loss of trees that are to be retained on-site during the development and building process.

*Tree replacement* means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

*Trout streams* means all streams or portions of streams within the watershed as designated by the Wildlife Resources division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., in the rules and regulations for Water Quality Control, chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov).

*Trout waters, first order*, means streams into which no other streams flow except springs.

*Trout waters, primary*, means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

*Trout waters, secondary*, means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

*Used for* includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

*Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

*Vegetative Erosion and Sedimentation Control Measures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with: permanent seeding, sprigging or planting, producing long-term

vegetative cover; temporary seeding, producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Water quality protection* means the requirement that all developments must improve the quality of storm runoff from the development site.

*Watershed* means the land area that drains into a particular stream.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 2018-06-03, § 14-1, 6-3-2018)

## **Sec. 14-2. Conflicting provisions and private covenants.**

This chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship, provided that when the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this chapter shall govern. Further, where there is a conflict between any standard or requirement within this chapter, or between this chapter's standards and any other provision of the Code, the more restrictive standard or requirement shall apply.

(Ord. No. 2018-06-03, § 14-2, 6-3-2018)

## **Sec. 14-3. Transition.**

In the event that chapter 14 references a code, section, plan, or ordinance of DeKalb County that has not been adopted, amended, or developed by the City of Stonecrest, DeKalb County's version of the code, section, plan or ordinance in effect on the date of adoption of this chapter shall apply. Furthermore, nothing in this ordinance shall be deemed to impact any services being provided by DeKalb County during the transition period until such service is transferred to and accepted by the City. In the event that chapter 14 refers to a department or an official not yet created in the City of Stonecrest, the reference shall refer to the Director of his designee.

(Ord. No. 2018-06-03, § 14-3, 6-3-2018)

## **Secs. 14-4. —14-27. Reserved.**

# **ARTICLE II. ENVIRONMENTAL CONTROL**

**Sec. 14-28. Purposes.**

- (a) It is the purpose of this chapter to establish public policies for the protection of the natural environment and to establish requirements, standards and procedures for land development. The public policy objective of protecting the natural environment is to be achieved by:
  - (1) Regulating the alteration of land and topography.
  - (2) Regulating the removal and requiring the replacement of certain vegetation.
  - (3) Requiring erosion control and sedimentation control.
  - (4) Protecting streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation.
  - (5) Specifying standards for drainage system design.
  - (6) Assuring the continuous and efficient operation of the drainage system.
  - (7) Protecting the water quality within intermittent and perennial streams throughout the City.
- (b) It is the Mayor and Council's intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this chapter shall be reviewed by the City to enable a full exchange of information between the City and the applicant as to the City's public policies for land development. However, these policies shall not be used as a control or regulatory mechanism nor be construed as land development standards enforceable under applicable provisions of this chapter.
- (c) The Mayor and Council further declares its intent that these public policies be evaluated periodically so as to reflect the community's interests in protection of the natural environment and to give direction to city actions in matters affecting the natural environment and land development.

(Ord. No. 2018-06-03, § 14-28, 6-3-2018)

**Sec. 14-29. Scope and applicability.**

- (a) The provisions of this chapter shall apply to applicable development activity within the City.
- (b) Before filing a land development application on a project for review and approval, the applicant shall meet with the Department to discuss the procedure for approval of a land development permit and the requirements as to the general layout of streets, parking, open space/lot coverage, street improvements, drainage, sewage, fire protection and similar matters, as well as the availability of existing services, including schools. The Department and the applicant shall review the applicant's stormwater management plans, inspection and maintenance requirements and water quality control requirements. The Department may advise the applicant, when appropriate, to discuss the proposed project with those officials who must eventually approve those aspects of the project coming within their jurisdiction. This meeting will also allow City officials to discuss with the applicant the necessary regulations that will properly accomplish the project.

(Ord. No. 2018-06-03, § 14-29, 6-3-2018)

**Sec. 14-30. Reserved.**

(Ord. No. 2018-06-03, § 14-30, 6-3-2018)

### **Sec. 14-31. Administration and enforcement generally.**

The City shall administer and enforce the provisions of this chapter as follows:

- (a) The Director is designated to administer and enforce the grading, vegetation, erosion control, sedimentation control, drainage and water quality provisions of this article for all development and construction projects with the following duties and responsibilities:
  - (1) Review all development permits to ensure that the permit requirements of this chapter have been satisfied;
  - (2) Advise permittee when additional federal or state permits may be required, and if specific federal or state permits are known to be required, that copies of such permits be provided and maintained on file with the development permit; and
  - (3) Notify adjacent communities and the state Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) The Director shall administer and enforce those provisions of this chapter that apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The Director shall ensure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

(Ord. No. 2018-06-03, § 14-31, 6-3-2018)

### **Sec. 14-32. Inspection; right of entry.**

- (a) Upon presentation of city identification to the applicant, contractor, owner, owner's agent, operator or occupants, city employees may enter during all reasonable hours any property under proposed or existing development or construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with all ordinance provisions.
- (b) Reserved.
- (c) The Department, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the Director to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
  - (1) Inspection warrants may be issued by the Municipal Court when all of the following conditions are met:
    - (A) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and
    - (B) The issuing judge determines that the issuance of the warrant is authorized by law.
  - (2) The inspection warrant shall be validly issued only if it meets all of the following requirements:
    - (A) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
    - (B) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the

owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection;

- (C) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
- (D) The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. No. 2018-06-03, § 14-32, 6-3-2018)

### **Sec. 14-33. Emergency maintenance operations.**

- (a) The Director or designee may conduct emergency maintenance operations on private land where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of Director create a condition potentially injurious to life, property and the public road system.
- (b) The provisions of article VI of this chapter shall not apply in the case of tree trimming, removal or cutting necessitated by emergencies such as floods, windstorms, ice storms or other disasters.
- (c) Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the City.

(Ord. No. 2018-06-03, § 14-33, 6-3-2018)

### **Sec. 14-34. Issuance of notice of violation; specification of time period for correction.**

- (a) *Notice of violation.* Whenever the Director determines that development activity or inactivity on a property does not comply with the approved development and construction plans, that approved and required erosion, sedimentation and pollution control facilities or devices have been altered, damaged or destroyed, or that any other activities violate the provisions of this chapter, the Director shall issue a notice of violation. Whenever the Director determines that the drainage system has been unlawfully altered, causing inadequate drainage, the Director shall issue a notice of violation. The provisions of this subsection (a) shall be in addition to any other penalty or notice provisions applicable to this chapter and shall not prevent the City from exercising any other notice or penalty provision. The Director may issue a court summons in lieu of a notice of violation. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this chapter and shall:
  - (1) Be in writing;
  - (2) Include a description of the property sufficient for identification of where the violation has occurred;
  - (3) List the specific provisions of this chapter which have been violated;
  - (4) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons shall be issued for the person, firm, corporation, owner, or owner's agent to appear in Municipal Court. However, the Director may issue a court summons in lieu of a notice of violation.
- (b) *Penalty.* It shall be unlawful for any person, firm or corporation to do anything prohibited or fail to do anything required by the provisions of this chapter, as they now exist or as they may hereafter be amended. Any person, firm or corporation that shall do anything prohibited or fail to do anything required by the provisions of this chapter, as they now exist or as they may hereafter be amended, upon conviction of a violation in Municipal Court shall be subject to a fine and/or imprisonment in accordance with the Code.

Where any offense or violation continues from day-to-day, each day's continuance thereof shall be deemed a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, engineer, contractor, or any other agent of the owner, or any tenant, who commits, or assists in the commission of any violation, shall be guilty of a separate offense.

(Ord. No. 2018-06-03, § 14-34, 6-3-2018)

### **Sec. 14-35. Variances.**

- (a) Except as further limited herein, an applicant may request a variance from the terms of the requirements of section 14-38, articles V-VIII of this chapter, and otherwise as permitted in this chapter. The Zoning Board of Appeals shall have the power to hear all variance requests. The Zoning Board of Appeals shall have no power to consider or to grant variances which are the responsibility of the Director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the Director of the EPD and the Zoning Board of Appeals, the Zoning Board of Appeals shall take no action on any such request for variance until the Director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the Director of the EPD and/or the Zoning Board of Appeals does not obligate the Director to permit the project to proceed if the project does not also meet all the other requirements of this chapter. No variance from the provisions of this chapter shall be authorized except as specifically authorized in this section or specifically authorized in another section of this chapter.
- (b) Applications for variances authorized in subsection (a) of this section shall be made in writing to the Director and shall contain all of those materials and documents required by the Director that are necessary to demonstrate that said request meets the criteria for granting variances. The Director must review the variance request and make a recommendation of approval or denial to the Zoning Board of Appeals. The applications shall be processed in accordance with the calendar adopted for variance decisions under chapter 27.
- (c) In considering a request for a variance to the terms of this article, article V, VI, VII, or VIII of this chapter, authorized in subsection (a) of this section, the Zoning Board of Appeals shall use all of the following criteria:
  - (1) The request, while not strictly meeting the requirements of this chapter, will in the judgment of the Zoning Board of Appeals be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the Zoning Board of Appeals shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
    - (i) Stream bank or soil stabilization;
    - (ii) Trapping of sediment in surface runoff;
    - (iii) Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
    - (iv) Terrestrial habitat, food chain, and migration corridor;
    - (v) Buffering of flood flows;
    - (vi) Infiltration of surface runoff;
    - (vii) Noise and visual buffers;
    - (viii) Downstream water quality; and
    - (ix) Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

- (2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.
- (3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.
- (4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as follows:
  - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a petition of review, in accordance with State law.
  - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent and the City of Stonecrest shall be designated the defendant. Service upon the City as defendant shall be as otherwise provided by law.

(Ord. No. 2018-06-03, § 14-35, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

#### **Sec. 14-36. Appeals from administrative officials.**

- (a) *Basis for appeal.* Whenever it is alleged by the applicant that there is error in any final order, requirement, or final decision made by an administrative official based on or made in the interpretation or enforcement of this chapter, the applicant, or any person or entity aggrieved by said administrative decision, shall have the right to appeal said final order, requirement or decision to the Zoning Board of Appeals.
- (b) *Initiation of appeal.* Appeals shall be made by filing with the Director an application for appeal specifying the grounds thereof, within 15 days after the action, determination, decision or order appealed from was taken.
- (c) *Appeal stays all legal proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals under the provisions of this article shall be as follows:
  - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a petition of review, in accordance with State law.
  - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent, and the City of Stonecrest shall be designated the defendant. Service upon the City as defendant shall be as otherwise provided by law.

(Ord. No. 2018-06-03, § 14-36, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

### **Sec. 14-37. Plan submission requirements.**

- (a) All site plans submitted in accordance with applicable provisions of this chapter shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the Director as to plan conformance with the public policy statements of this chapter.
- (b) All persons proposing developments, redevelopments or construction shall submit site plans to the Director illustrating the means by which conformance with policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.
- (c) Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the special flood hazard areas shall be submitted for review and approval in accordance with this chapter and other applicable provisions of the Code. Owners and developers of individual single-family lots shall be required to use best management practices to prevent sedimentation from leaving the site.
- (d) Grading, erosion control, sedimentation control, water quality control and drainage plans shall be prepared under the supervision of a currently state-registered professional engineer, forester or landscape architect, or combination as may be appropriate for project planning and design. Tree protection plans may be prepared by and implemented under the supervision of a currently state-registered professional architect, forester, landscape architect or engineer as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles for flood routing, super critical flow, high energy dissipation or conversion, backwater curves, floodplain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state-registered professional engineer proficient in hydrology.
- (e) Site plans and supporting documentation to show conformance with this chapter shall be submitted in accordance with the applicable provisions of chapter 27 and all conditions of zoning and shall include the following:
  - (1) Evidence of conformance with the requirements of this chapter for grading, vegetation alteration, erosion control, sedimentation control, water quality control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval at a minimum; golf courses and other open space areas shall be exempt from this requirement but general grading plans for golf courses and other open space areas shall be submitted. Water quality plans shall include the identification of existing wetland areas within the development site and shall demonstrate use of the stormwater quality site development review tool. Related plans shall show locations of structures, roads, surface drainage, existing and proposed drainage conduits, buffer areas, stream buffers, state buffer zones, and proposed alterations to the existing site;
  - (2) A hydrologic engineering analysis of stormwater runoff under pre-developed and post-developed site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. In determining downstream effects from stormwater management structures, BMPs, and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten percent of the total watershed. This analysis shall include a determination of the culvert, floodplain and channel cross-section area required to carry the affected runoff. The requirement for a complete hydrologic study may be waived in writing by the Director for any development where the site plan submitted illustrates predeveloped or proposed improvements sufficient to ensure compliance with applicable provisions of this chapter;



- (3) Delineation of the boundaries, contour elevations and floodways of the special flood hazard areas for streams draining in excess of 100 acres. Unless shown on the flood hazard map, the special flood hazard areas shall be established by engineering field control surveys and then be added to the flood hazard map upon approval of the Director and be clearly designated on each site plan, subdivision plat and construction plan. The actual building site in relation to special flood hazard area boundaries shall be shown; the same information shall be indicated by the seller to the purchaser of each property so affected. The elevation contours representing the special flood hazard area conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining special flood hazard area elevations shall be established;
- (4) The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control, water quality control and drainage plans as related to other major items of construction;
- (5) Upon development project completion, location, size and invert elevations of piped segments of the storm drainage system, of control weirs, BMPs and water surface elevations and volumes in detention ponds shall be shown on the final plat for a subdivision, and on a final plan for other developments which shall be submitted to the Director prior to approval. The currently state-registered professional engineer, architect or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans. As-built elevation certifications prepared by currently state-registered land surveyors or currently state-registered professional engineers for all developments, including fill, allowed within a floodprone area, shall be submitted to the Director; and
- (6) A separate tree protection plan in conformance with the requirements of this chapter.

(Ord. No. 2018-06-03, § 14-37, 6-3-2018)

## **Sec. 14-38. Grading.**

- (a) *Policies.* It is hereby declared to be public policy to:
  - (1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas.
  - (2) Minimize the adverse effects of land clearance and grading upon existing vegetation.
  - (3) Minimize the adverse effects of land clearance and grading upon the drainage system by strict erosion control and sedimentation control measures.
  - (4) Minimize erosion and shear failure potential by encouraging limited cutting and filling.
- (b) *Standards.*
  - (1) All grading operations shall be conducted in compliance with the approved site plans.
  - (2) Before beginning construction activity, the floodplain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every 100 feet, and shall be identifiable throughout project development.
  - (3) Finish grade slopes on residential projects and lots shall not be steeper than three-to-one (3:1), unless absolutely impractical due to vegetation, topography, or soil conditions. Three-to-one (3:1) finish grade slopes shall transition to two-to-one (2:1) slopes at all perpendicular stream crossings.
  - (4) Large-scale general grading shall include installation of approved soil and erosion control measures and be limited to phases approved by the Director and completed prior to commencing building construction.

- (5) Prohibit grading and filling in floodplains, except for the construction and maintenance of perpendicular crossings of public utilities, drainage conveyances, roadways, sidewalks, and multi-purpose trails constructed in accordance with City of Stonecrest design standards and specifications. Any variance from the requirements of this section shall be in accordance with the requirements of section 14-35 and with the following requirements:
- a. If the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, the development permit shall be denied unless equivalent flow and storage capacity is replaced and maintained by the owner within the special flood hazard area. Altered sections of the special flood hazard area shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.
  - b. Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to 300 cubic yards per acre of floodplain area.
- (6) The burying, piling, or concealing in any way of construction waste is prohibited, except where permitted within an M-2 (Industrial) District, as defined in chapter 27 of this Code, and by a permit issued by the Georgia Department of Natural Resources, Environmental Protection division. No certificate of occupancy shall be issued by the City under chapter 7 of this Code until the applicant provides a written certification to the Director, accompanied by a landfill receipt, that proves that all construction waste has been removed from the property.
- (7) Grading must be performed to avoid the restrictions of drainage through drainageways and drainage easements. Grading must be performed to provide positive drainage to storm drainage inlets, swales, channels, ditches or gutters.
- (8) Fills must be placed in uniform layers not to exceed a compacted thickness of six inches per layer. In all areas where structures, parking lots and drives, streets, dams and utilities are to be places, fills must be compacted to a density of at least 95 percent of the maximum laboratory dry weight per cubic foot, as determined by ASTM D 698. All other fills must be compacted to at least 85 percent, except for the upper one foot of roadways, which must be compacted to 98 percent.
- (9) Fill dirt, permitted through the issuance of a separate land disturbance permit on any residentially-zoned property shall be limited to:
- a. A cumulative maximum of 1,000 cubic yards per property; and
  - b. No more than 20 trips per day, including trips to and from the permitted property.
- (10) Separate land disturbance permits issued under this subsection must be used only in accordance with the provisions of the zoning district on which the property is situated and its intent and not for any commercial purposes.

(Ord. No. 2018-06-03, § 14-38, 6-3-2018)

### **Sec. 14-39. Reserved.**

(Ord. No. 2018-06-03, § 14-39, 6-3-2018)

**Sec. 14-40. Groundwater recharge area.**

Development within groundwater recharge areas, as delineated by the Georgia Department of Natural Resources' (DNR) Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the DNR's Pollution Susceptibility Map, shall meet the criteria for the protection of groundwater recharge areas established in chapter 391-3-16-.02 of the DNR's Rules for Environmental Planning Criteria.

(Ord. No. 2018-06-03, § 14-40, 6-3-2018)

**Secs. 14-41—14-54. Reserved.****ARTICLE III. SUBDIVISIONS*****DIVISION 1. GENERALLY*****Sec. 14-55. Title.**

This article shall be known, cited, and referred to as the subdivision regulations of the City of Stonecrest.

(Ord. No. 2018-06-03, § 14-55, 6-3-2018)

**Sec. 14-56. Effective date.**

These subdivision regulations shall become effective on adoption.

(Ord. No. 2018-06-03, § 14-56, 6-3-2018)

**Sec. 14-57. Policies and purposes.****(a) Policies.**

- (1) It is declared to be the policy of the City of Stonecrest to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city's official comprehensive plan in order to promote the orderly, planned, efficient, and economical development of the city.
- (2) The applicant shall indicate that land to be subdivided shall be For Sale or For Rent or a combination thereof. It shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and official maps and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan, and official map and land use plan.

**(b) These regulations are adopted for the following purposes:**

- (1) To protect and provide for the public health, safety, and general welfare of the City of Stonecrest.
- (2) To guide the future growth and development of the city in accordance with the comprehensive plan.

- (3) To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.
- (4) To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities.
- (5) To provide for the safe and efficient circulation of traffic throughout the city, having particular regard to avoidance of congestion in the streets and highways and the pedestrians and bicycle traffic movements appropriate to the various uses of lands and buildings, and to provide for the proper location and width of streets and building lines.
- (6) To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (7) To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (8) To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.
- (9) To protect and restore the highest quality of the city's air and water resources; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.
- (10) To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

(Ord. No. 2018-06-03, § 14-57, 6-3-2018; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 14-58. Public purpose.**

Regulation of the subdivision of land and the attachment of reasonable regulations to land subdivision is an exercise of valid police power delegated by the state to this city. A developer of land has the duty of compliance with the regulations set forth herein for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at-large.

(Ord. No. 2018-06-03, § 14-58, 6-3-2018)

#### **Sec. 14-59. Interpretation.**

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Any conflict between provisions should be resolved in the way that best serves the purposes of the regulations.

(Ord. No. 2018-06-03, § 14-59, 6-3-2018)

**Sec. 14-60. Scope and applicability.**

These regulations shall apply to all subdivision and combination of land located within the City of Stonecrest as may be provided by law.

(Ord. No. 2018-06-03, § 14-60, 6-3-2018)

**Sec. 14-61. Exemptions.**

This article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of the city prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.

(Ord. No. 2018-06-03, § 14-61, 6-3-2018)

**Sec. 14-62. Plats not to be recorded until accepted; lots not to be sold in unaccepted subdivision.**

No person shall record any subdivision plat until it has been approved as a final plat and accepted by the mayor, as the governing authority's designee, nor shall any lot be sold by reference to any subdivision plat whether recorded or not, if the plat is made after the effective date of the ordinance from which this chapter is derived, unless it shall have been approved and accepted by the mayor as a final plat. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

(Ord. No. 2018-06-03, § 14-62, 6-3-2018)

**Sec. 14-63. Issuance of building permits and certificates of occupancy; extension of services.**

No development permit, building permit, or certificate of occupancy shall be issued for a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to extend services to any parcel created in violation of these regulations.

(Ord. No. 2018-06-03, § 14-63, 6-3-2018)

**Sec. 14-64. Criteria to be used in deciding variances, and appeals.**

- (a) The Board of Zoning Appeals shall hear and decide applications for variances from the strict application of this article where strict application of any regulation enacted in division 3 of article III of this chapter would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements for subdivisions in City of Stonecrest; thus, variances from the requirements of division 3 of article III of this chapter shall be authorized only upon consideration of all of the following findings:
  - (1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of division 3 of article III of this chapter would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

- (2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
  - (3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
  - (4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
  - (5) The requested variance will not in any manner vary the provisions of chapter 27, the City of Stonecrest Comprehensive Plan or the zoning map of the City of Stonecrest.
- (b) No variance shall be granted to:
- (1) Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the mayor and city council;
  - (2) Increase the density allowed on the property; or
  - (3) Vary the requirements set forth in sections 14-256 through 14-260.

(Ord. No. 2018-06-03, § 14-64, 6-3-2018)

#### **Sec. 14-65. Enforcement, violations, and penalties.**

- (a) *General.* It shall be the duty of the Director to enforce this chapter.
- (b) *Violations and penalties.* Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in chapter 1 of the Code of the City of Stonecrest. Each violation of these regulations shall be considered a separate offense. The owner of any structures, buildings, lots or parcels or parts thereof, where anything in violation of these regulations exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (c) *Enforcement.* Appropriate actions and proceedings, including the issuance of stop work orders and actions in a court of law, may be taken by City of Stonecrest in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

(Ord. No. 2018-06-03, § 14-65, 6-3-2018)

#### **Secs. 14-66—14-83. Reserved.**

### ***DIVISION 2. PLAT APPROVAL PROCEDURE***

#### **Part A. Minor Plat**

**Sec. 14-84. Minor plats.**

- (1). A minor plat shall consist of the combination or division of two lots.
- (2). A minor plat may be either a minor combination plat (combining two lots into one), or a minor subdivision plat (dividing one lot into two).

(Ord. No. 2018-06-03, § 14-84, 6-3-2018)

**Sec. 14-85. Minor plat approval procedures.**

- (1). The Director may approve a minor plat that meets the requirements of this chapter administratively.
- (2). An applicant for a minor plat may submit an application and a preliminary plat for review to the Director. The minor plat must meet the requirements for a preliminary plat, as defined in Part C of this division, and must be designed in accordance with the design standards and requirements of this chapter. After the receipt of a completed application and preliminary plat, the Director shall either approve or deny the minor plat within 60 days. A preliminary plat must be approved prior to the issuance of a building permit or land disturbance permit. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat, as defined in Part D of this division.
- (4). The Director shall approve or deny the final plat within 30 days of receiving a final plat. After approval, the Director shall forward the final plat to the mayor for certification. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (5). Notwithstanding, a proposed minor subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system must be submitted and approved by the Planning Commission using the same procedures as a major plat. The planning commission shall then submit said plats pursuant to O.C.G.A. § 32-6-151 and other applicable state law.

(Ord. No. 2018-06-03, § 14-85, 6-3-2018)

**Part B. Major Plats****Sec. 14-86. Major plats.**

- (1). A major plat shall consist of the combination or division of three or more lots.
- (2). A major plat may be either a major combination plat (combining three or more lots into one), or a major subdivision plat (dividing one lot into three or more lots).

(Ord. No. 2018-06-03, § 14-86, 6-3-2018)

**Sec. 14-87. Major plat approval general procedures.**

- (1). Applicants for a major plat must submit an application and a preliminary plat for approval prior to the issuance of a building permit or a land disturbance permit. The minor plat must meet the requirements for a

preliminary plat, as defined in Part C of this division, and must be designed in accordance with the design standards and requirements of this chapter.

- (2). The Director shall review the preliminary plat within 90 days of a complete application and preliminary plat. The preliminary plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials. The City Council shall vote to approve, deny, or defer the preliminary plat based on its compliance with this chapter.
- (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat, as defined in Part D of this division, and must be designed in accordance with the design standards and requirements of this chapter. The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director shall review the final plat within 90 days of a complete application and final plat. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (4). The City Council shall vote to approve, deny, or defer the final plat based on its compliance with this chapter.
- (5). A major subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system shall be submitted pursuant to O.C.G.A. § 32-6-151 and other applicable state law after approval by the Planning Commission.

(Ord. No. 2018-06-03, § 14-87, 6-3-2018)

## **Part C. Preliminary Plat**

### **Sec. 14-88. Application and preliminary plat required for all minor plats and major plats.**

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

- (1) Be submitted with the plan set for a Land Disturbance Permit;
- (2) Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;
- (3) Be accompanied by an application fee in the amount set by the mayor and city council;
- (4) Be accompanied by a tree survey;
- (5) Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;
- (6) Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;
- (7) Be accompanied with a consent affidavit from the property owner;
- (8) Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;



- (9) Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;
- (10) Include the names of adjoining property owners and the zoning classifications of adjacent properties;
- (11) Include the name, address and phone of developer and engineer;
- (12) Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;
- (13) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and
- (14) Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

### **Sec. 14-89. Required information.**

- (a) The following existing conditions shall be shown on a preliminary plat:
  - (1) *Boundary lines.* Perimeter boundary of the overall tract, bearings and distances, referred the legal point of beginning;
  - (2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;
  - (3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals. The source of this data shall be written on the plat;
  - (4) *Tree survey.* A tree survey in compliance with this chapter or tree sample calculations where allowed by the Director which may be submitted as a separate plan;
  - (5) *Historic resources.* Any building, structure, site or district identified as historic by the Historic Preservation Commission, the DeKalb County Historic Resources Survey, the comprehensive plan, by listing on the Georgia or National Register of Historic Places, or by listing as a National Historic Landmark.
  - (6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state waters, cemeteries, wetlands, existing structures, intermediate regional floodplain boundary (where available), rock outcroppings, and archeological resources;
  - (7) *Soils.* Location of soils as shown on the National Resources Conservation Service Soil Map, by the United States Department of Agriculture's soil map, or any map designated by the Director;
  - (8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district numbers and lines, city and city names and limit lines;
  - (9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing any of the land shown on the plat;
  - (10) *Zoning district.* Show zoning district, case number and conditions of zoning;
  - (11) *Permits.* Show any special administrative permit number, special land use permit number, or board of appeals case number and conditions;
  - (12) *Variances.* Show any variance approvals;
  - (13) *Septic tanks.* Show existing septic tank and drain field location or note absence;

- (14) *Sewers*. Show size and location of sanitary sewer mains available;
  - (15) *Sewer easements*. Show a sanitary sewer easement with a minimum width of 15 feet of for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;
  - (16) *Water mains*. Show size and location of water mains and fire hydrants;
  - (17) *Water main easements*. Show a water main easement with a minimum width of 15 feet for all county maintained lines not within right-of-way, or as required by DeKalb County;
  - (18) *IRF*. Show on plan whether FEMA or city benchmark used to establish IRF also identify location of Benchmark;
  - (19) *Wetlands*. Provide wetlands determination from U.S. Army corps of engineers;
  - (20) *Receiving waters*. Provide distance to and name of receiving waters;
  - (21) *Bury pits*. Show location of any existing inert waste bury pits.
- (b) The following proposed features shall be shown on the preliminary plat:
- (1) *Title*. The title under which the proposed subdivision is to be recorded, if known, with the name of the property owners and designers and the date of the plat;
  - (2) *Street names*. The name of all proposed streets.
  - (3) *Rights-of-way*. Street rights-of-way and widths indicated, including any necessary right-of-way required for improvements;
  - (4) *Sidewalks*. All proposed sidewalk and bike lane locations;
  - (5) *Lots*. Lot lines, lot numbers, block letters, and the total number of proposed lots within the development;
  - (6) *Dedications*. Sites, if any, to be dedicated or reserved for common areas, public parks, open space, schools, playgrounds, multi-use trails, or other public uses, together with the purpose and the conditions or limitations of these dedications, if any;
  - (7) *Yards*. Minimum building setback lines as required under the yard requirements of zoning ordinance;
  - (8) *Zoning conditions*. All conditions of zoning and existing and proposed deed restrictions shall be recited on the preliminary plat;
  - (9) *Corner lots*. Show that corner lots shall have an extra width of not less than 15 feet more than required for interior lots for the zoning district within which they are located;
  - (10) *Transitional buffers*. Show transitional buffers, if any and any required screening fencing;
  - (11) *BMPs*. Show conceptual location of stormwater management and water quality BMP facilities on preliminary plat;
  - (12) *IRF*. Show proposed IRF contour, spot elevation (if available) and source;
  - (13) *Covenants*. Indicate whether the proposed subdivision will be subject to private covenants and whether a homeowner association will be established;
  - (14) *Sewer easements*. Show a sanitary sewer easement with a minimum width of 15 feet for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;
  - (15) *Water main easements*. Show a water main easement with a minimum width of 15 feet for all county maintained lines not within right-of-way, or as required by DeKalb County;
  - (16) *Fire hydrants*. Show new fire hydrants and eight-inch firelines;

- (17) *Fencing*. Show any required fencing around detention ponds, if required; and
  - (18) *Electrical service*. Show whether electrical service will be above ground or underground.
  - (c) The following additional information shall be shown on the preliminary plat:
    - (1) *Seal*. All sheets of plats must be sealed by a professional engineer, surveyor, or landscape architect currently registered in the state of Georgia;
    - (2) Space for Comments and Certification in accordance with this article; and
    - (3) Surveyor's Acknowledgement and Owner's Acknowledgement in accordance with this article.
- (Ord. No. 2018-06-03, § 14-89, 6-3-2018)

#### **Sec. 14-90. Space for comments, certifications.**

A blank space of 50 square inches shall be provided on the plat to allow room for any stamps, notes, approvals or denials as required to be placed thereon by county and city agencies and for certification.

(Ord. No. 2018-06-03, § 14-90, 6-3-2018)

#### **Sec. 14-91. Scale.**

Preliminary plats shall be prepared at an appropriate scale of not more than 100 feet to one inch. Maximum sheet size shall be 24 inches by 36 inches.

(Ord. No. 2018-06-03, § 14-91, 6-3-2018)

#### **Secs. 14-92—14-120. Reserved.**

### **Part D. Final Plat**

#### **Sec. 14-121. Preparation.**

The applicant shall have a registered surveyor prepare the final plat of the subdivision, including the space required under section 14-90. An application for final plat approval may be made when a preliminary plat of the proposed subdivision has been approved and construction of all required infrastructure is complete, or a surety is provided as approved by the Director of Community Development, to ascertain its location as built.

(Ord. No. 2018-06-03, § 14-121, 6-3-2018)

#### **Sec. 14-121.1. Surveyor's and owner's acknowledgments.**

The following wording for the engineer's (surveyor's) and owner's acknowledgments shall be shown and certified on the plat:

- (1) *Surveyor's Acknowledgment*.

"In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

\_\_\_\_\_ R.L.S. No. \_\_\_\_\_ "

(2) *Owner's Acknowledgment.*

"I, \_\_\_\_\_, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all rights-of-way abutting the roads to the City of Stonecrest, and further dedicate to the use of the public forever all streets and rights-of-way, alleys, parks, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_,  
\_\_\_\_/\_\_\_\_/\_\_\_\_.

(SEAL)

(Owner) \_\_\_\_\_

Witness: \_\_\_\_\_

Notary Public."

(Ord. No. 2018-06-03, § 14-121.1, 6-3-2018)

**Sec. 14-122. Filing; digital submission of final plat; fee.**

The final plat and a fee in the amount established by the mayor and city council shall be filed with the city. The final plat and as-built drawings shall also be submitted in a digital format acceptable to the city. The final plat must be in recordable form and comply with O.C.G.A. § 15-6-67, including the required data listed in O.C.G.A. § 15-6-67(c)(2) and (3).

(Ord. No. 2018-06-03, § 14-122, 6-3-2018)

**Sec. 14-123. Review, certification by city departments.**

- (a) Upon receipt of the final plat, the Director of Community Development shall forward copies of the final plat to any department or entity the Director of Community Development deems appropriate for certification that the improvements are complete and in conformity with the preliminary plat.

- (b) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management.
- (c) Any department to which the final plat is submitted shall note on the plat whether the development meets or fails to meet the requirements of this Code and of that department, specifically, whether all improvements were properly completed and whether the improvements are in conformity with the preliminary plat. If the improvements are incomplete or if the improvements are not in conformity with the preliminary plat, the department shall note on the plat the manner in which the plat fails to meet these requirements. Minor changes shall be permitted, as defined in section 14-146(c).
- (d) Upon receipt of the annotated copies from all of the departments which received the final plat for notation, the Director of Community Development shall independently review the final plat and determine whether it complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director of Community Development shall certify in writing on the final plat their finding of whether the final plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws and forward it to the City Council for review.
- (e) The final plat shall conform to the approved preliminary plat on file with the city and shall comply with the city zoning ordinance including conditions of zoning. Minor changes from the preliminary plat shall be permitted, as defined in section 14-146(c).
- (f) The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.

(Ord. No. 2018-06-03, § 14-123, 6-3-2018)

#### **Sec. 14-124. Referral to the mayor and council.**

- (b) The mayor and council as the designee for the governing authority of the city shall approve or disapprove the final plat. If the final plat is approved, the mayor and council shall place the following wording on the original as follows:

"This plat has been submitted to and accepted by the mayor and council of the City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.

Dated this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_, \_\_\_\_/\_\_\_\_/\_\_\_\_.

By:

[Mayor as designee of governing authority]"

- (c) Final plat acknowledgement and approval by the mayor and council shall constitute that approval, if any, required in order to file subdivision plats with the clerk of the superior court of DeKalb County pursuant to O.C.G.A. § 15-6-67(d).

(Ord. No. 2018-06-03, § 14-124, 6-3-2018)

#### **Sec. 14-125. Appeal of final plat decision.**

The decision of the mayor to approve or disapprove the final plat may be appealed only by a petition for petition of review to the Superior Court of DeKalb County.

(Ord. No. 2018-06-03, § 14-125, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

**Sec. 14-126. Recording.**

The approved final plat shall be recorded with the clerk of the superior court of DeKalb County by the applicant and returned to the Director of Community Development.

(Ord. No. 2018-06-03, § 14-126, 6-3-2018)

**Sec. 14-127. Dedication offers.**

The filing and recording of the final plat by the Director of Community Development shall, upon completion of the improvements by the applicant and compliance with all procedures of this chapter, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat as dedicated to the City of Stonecrest, Georgia, on behalf of the public.

(Ord. No. 2018-06-03, § 14-127, 6-3-2018)

**Sec. 14-128. Reserved.**

(Ord. No. 2018-06-03, § 14-128, 6-3-2018)

**Sec. 14-129. Scale.**

Final plats shall be prepared at a scale of not more than 100 feet to one inch and shall have a maximum sheet size of not more than 24 inches in width and 36 inches in length, and a minimum sheet size of not less than 17 inches in width and 21 inches in length.

(Ord. No. 2018-06-03, § 14-129, 6-3-2018)

**Sec. 14-130. Compliance with zoning ordinance.**

The final plat shall comply with the requirements of chapter 27 and all conditions of zoning for the subject property to be shown in the upper right corner of the final plat with text height at a minimum of 0.18 inches for 24 inches by 36 inches sheet size and 0.09 inches for 17 inches by 21 inches sheet size.

(Ord. No. 2018-06-03, § 14-130, 6-3-2018)

**Sec. 14-131. Required information.**

The final plat shall show the following:

- (1) Sufficient data to determine readily and reproduce on the ground the location, bearings and lengths of every right-of-way, street line, lot line, boundary line and building line, whether curved or straight;
- (2) Tract boundary lines, land lot and district lines, city and county limit lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites;
- (3) All dimensions shall be accurate to the nearest one-hundredth of a foot and all angles accurate to the nearest second;

- (4) Name and right-of-way width of each street including necessary right-of-way required for present or future widening of major, minor, collector, residential or other streets as shown on the thoroughfare plan;
- (5) Sidewalk and bike path locations and width;
- (6) House numbers: numbers will be assigned by the geographic information system department and placed on the final plat by the community development department;
- (7) Title, north arrow, date, scale, land lot numbers and district numbers;
- (8) Location, dimensions and purpose of easements and areas to be dedicated to public use, common areas or sites for other than residential use with notices stating their purpose and limitations;
- (9) Intermediate regional floodplain contour line and setback line required by this chapter, state waters/state streams, wetlands, and required stream buffers;
- (10) Water and sewer utility locations, and the location and type of permanent stormwater management facilities and water quality facilities;
- (11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block numerals shall be kept in a uniform sequence on all plats and units of the subdivision;
- (12) Accurate location, material and description of monuments and markers; within each subdivision set one monument on two front corners of the property adjacent to existing rights-of-way on interior streets, or as otherwise approved by the development director; each monument shall be a minimum four-inch-diameter disk by 24-inch-high concrete monument with brass caps set flush with finished grade;
- (13) Lots which shall not be built upon until detailed plans for grading and drainage have been approved by the development director; and
- (14) All required data and certifications under O.C.G.A. § 15-6-67.

(Ord. No. 2018-06-03, § 14-131, 6-3-2018)

#### **Sec. 14-134. Protective covenants to meet minimum zoning requirements.**

The final plat shall not contain protective covenants stipulating lower standards than the minimum restrictions required by the city zoning ordinance.

(Ord. No. 2018-06-03, § 14-134, 6-3-2018)

#### **Sec. 14-135. Disclosure statement required for residential subdivisions and multi-phase residential developments.**

- (a) Before any final plat for any residential subdivision and any multi-phase residential development, may be submitted for review by the city, a disclosure statement, sworn to by the applicant under penalty of perjury before a notary public or other officer authorized to administer oaths, must be filed with the Director of Community Development. The disclosure statement shall be in a form promulgated by the Director of Community Development and approved by the city attorney.
- (b) Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multi-phase residential development must submit the information specified herein on the disclosure statement which shall be made available to members of the public by the Director of Community Development:

- (1) An estimated date of completion of the entire residential subdivision;
  - (2) A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e., brick, stone, stucco, pressboard, etc.), and the average size of lots;
  - (3) A statement of the applicant's commitment to build any community amenities within the subdivision, including, but not limited to, a clubhouse, tennis courts or swimming pool;
  - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision;
  - (5) Copies of all forms of conveyance to be used in selling lots to potential purchasers;
  - (6) A statement of all deed restrictions, easements and covenants applicable to the residential subdivision;
  - (7) Copies of instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision;
  - (8) A statement regarding whether there will be a mandatory membership in any homeowner association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer; and
  - (9) An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner association governing the residential subdivision.
- (c) With respect to the first phase and subsequent phases of a multi-phase residential development, the applicant must also submit the following information:
- (1) An estimated date of completion of each phase of a multi-phase residential development and estimated date of completion of all phases of the development;
  - (2) A statement of the average size of homes to be constructed in the future phases of the development, any specified type of architecture, landscaping, the type of construction materials to be used (i.e., brick, stone, stucco, pressboard, etc.), and the average size of lots;
  - (3) A statement of any community amenities to be built within the development currently or in the future, including, but not limited to, a clubhouse, tennis courts or swimming pools the applicant is committed to constructing in future phases; and
  - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the future phases of the development.
- (d) If the applicant intends to make no representations or commitments to potential purchasers concerning each of the representations set forth in subsections (b) and (c) of this section, the applicant shall note the same in the disclosure statement filed with the Director of Community Development which statement shall be made available by the Director of Community Development to the public.
- (e) After the required disclosure statement has been submitted, the Director of Community Development shall examine the information provided and determine whether the information submitted is consistent with the final plat and if the information is consistent, the Director of Community Development shall approve the disclosure statement in writing within 35 days of submission of the statement.
- (f) If it appears to the Director of Community Development that a disclosure statement is incomplete or fraudulent, the Director of Community Development shall disapprove the disclosure statement and notify the applicant for the final plat in writing within 14 days after the initial submission of the statement. Such notification shall serve to suspend the review of the final plat by any city employee or official until the



applicant files such additional information, as the Director of Community Development shall require. No final plat may be certified by the Director of Community Development until such time as the Director of Community Development approves the applicant's disclosure statement.

- (g) If at any time after approval of the disclosure statement the Director of Community Development becomes aware that the disclosure statement contains false or misleading information, or that the applicant is developing in a manner inconsistent with the approved disclosure statement, the Director of Community Development shall disapprove the disclosure statement and notify the applicant in writing that the disclosure statement has been disapproved.
- (h) Subsequent to the recording of the final plat for a residential subdivision and for each phase of a multi-phase residential development, the approved disclosure statement on file with the city shall be provided by any seller to potential purchasers at the execution of the purchase and sales contract or if no such contract is executed, ten days prior to the real estate closing on any property governed by this section.

(Ord. No. 2018-06-03, § 14-135, 6-3-2018)

### **Sec. 14-136. Violations.**

It shall be unlawful for any person to sell property in a residential subdivision or a multi-phase residential development without providing a potential purchaser with a copy of an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to provide the Director of Community Development with false or misleading information in an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to develop in a manner inconsistent with the approved disclosure statement. Any person, firm or corporation convicted of violating this section shall be subject to fine and/or imprisonment in accordance with chapter 1 of this Code.

(Ord. No. 2018-06-03, § 14-136, 6-3-2018)

### **Secs. 14-137—14-145. Reserved.**

## **Part E. Revised Final Plat**

### **Sec. 14-146. Procedure.**

- (a) The original recorded plat shall be used for all revisions.
- (b) When it becomes necessary to revise an original recorded final plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Community Development to determine if the revision is a minor or major revision. The applicant's surveyor shall make the necessary corrections on the original final plat or prepare a new tracing of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. If the original final plat is not available, then any proposed revision to the final plat shall be considered a major change.
- (c) A minor change is one that corrects a drafting or scrivener's error, changes or moves a lot line while not changing the number of lots or site density or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. A major change is any other change, including changes that alter how the subdivision will be developed or built, such as, but not limited to, increasing or decreasing the number of lots, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.

- (d) If the Director of Community Development determines the change is minor, then the Director of Community Development will approve and accept the revised final plat; the applicant shall record the revised final plat with the clerk of superior court.
- (e) If the Director of Community Development determines the change is major, the revised plat must proceed through the approval process for final plats described in this Code.
- (f) The basis for the Director of Community Development's characterization of the change as either major or minor shall be recorded in black ink on the revised plat.

(Ord. No. 2018-06-03, § 14-146, 6-3-2018)

#### **Sec. 14-147. When new tracing required.**

If the original final plat is not available, the applicant shall prepare a new Mylar or other durable, stable, and reproducible drafting medium approved by the community development department, in accordance with section 14-146(b) above.

(Ord. No. 2018-06-03, § 14-147, 6-3-2018)

#### **Sec. 14-148. Revisions and explanation to be in black ink.**

Revisions and a notation explaining the revisions shall be shown in black ink on the revised plat.

(Ord. No. 2018-06-03, § 14-148, 6-3-2018)

#### **Sec. 14-149. Space for certifications.**

A blank space consisting of not less than 50 square inches shall be provided on the revised plat to accommodate required certifications.

(Ord. No. 2018-06-03, § 14-149, 6-3-2018)

#### **Sec. 14-150. Scale.**

Revised plats shall be prepared at a scale of not less than 50 feet to one inch.

(Ord. No. 2018-06-03, § 14-150, 6-3-2018)

#### **Sec. 14-151. Compliance with zoning ordinance.**

The revised plat shall comply with the regulations of the city zoning ordinance, including all conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

(Ord. No. 2018-06-03, § 14-151, 6-3-2018)

#### **Sec. 14-152. Inclusion of required wording.**

The revised plat shall show the following wording in black ink:

"This revised plat has been submitted to the mayor and council of the City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in

the superior court of this circuit. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_

Mayor City of Stonecrest, Georgia"	
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(Ord. No. 2018-06-03, § 14-152, 6-3-2018)

### **Sec. 14-153. Original protective covenants not to be changed.**

All revisions to original plats shall be bound by the protective covenants on the original final plat and a statement to that effect shall be noted in black ink on the revised plat unless noted otherwise.

(Ord. No. 2018-06-03, § 14-153, 6-3-2018)

### **Sec. 14-154. City may require additional data.**

Other data which may be required in support of a revised final plat are a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements, or dedications as may be required by city officials in the enforcement of this chapter.

(Ord. No. 2018-06-03, § 14-154, 6-3-2018)

### **Secs. 14-155—14-165. Reserved.**

## *DIVISION 3. DESIGN STANDARDS*

### **Part A. General Provisions**

### **Sec. 14-166. Adequate public facilities.**

The applicant shall submit sufficient information and data with the application on the proposed subdivision to demonstrate compliance with the following:

- (1) *Comprehensive plan consistency required.* Proposed public improvements shall conform to and be properly related to the City of Stonecrest Comprehensive Plan and all applicable capital improvement plans.
- (2) *Water.* All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- (3) *Wastewater.* All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
- (4) *Stormwater management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding as required under this chapter. Stormwater quality management facilities shall be adequate as required under this

chapter. The City of Stonecrest or the reviewing government entity or designee may require the use of control methods such as retention or detention, and or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

- (5) *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, shall be properly related to the comprehensive plan, and shall be appropriate for the particular traffic characteristics of each proposed development.
- (6) *Extension policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.

(Ord. No. 2018-06-03, § 14-166, 6-3-2018)

### **Sec. 14-167. Conservation of natural resources.**

- (a) To better implement the policies and purposes of this chapter, to protect the health, safety, and welfare of the citizens of the City of Stonecrest and to minimize the negative environmental effects of development, subdivisions shall be designed and developed to avoid areas of environmental sensitivity. The following land areas shall be preserved in their natural state or not subject to any development or land disturbance activity, and shall not be part of the buildable area:
  - (1) Wetlands; and
  - (2) The intermediate regional floodplain.
- (b) Subdivisions shall be also laid out to:
  - (1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;
  - (2) Minimize cut and fill;
  - (3) Minimize impervious cover and the environmental impacts of roads and access points;
  - (4) Minimize flooding; and
  - (5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- (c) The Director of Community Development shall not recommend approval for a preliminary plat or parts thereof if the director determines that:
  - (1) The areas listed in subsection (a) of this section have not been set aside and protected from development;
  - (2) The proposed subdivision does not comply with the requirements of subsection (b) of this section; or
  - (3) If the proposed subdivision is not in the best interest of the public health, safety, and general welfare of the city.

(Ord. No. 2018-06-03, § 14-167, 6-3-2018)

### **Secs. 14-168—14-180. Reserved.**

## **Part B. Streets**

**Sec. 14-181. Generally.**

- (a) The provisions of this part apply to streets in subdivisions and in other projects requiring a development or land disturbance permit from City of Stonecrest.
- (b) The arrangement, character, extent, width, grade and location of all subdivision streets shall conform to the provisions of this chapter and to the thoroughfare plan. New streets shall be designed and located with consideration of their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed uses of the land to be served by the streets.

(Ord. No. 2018-06-03, § 14-181, 6-3-2018)

**Sec. 14-182. Arrangement where not shown on thoroughfare plan.**

Where not shown in a thoroughfare plan adopted by the City, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- (2) Conform to a plan for a neighborhood approved or adopted by the mayor and city council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(Ord. No. 2018-06-03, § 14-182, 6-3-2018)

**Sec. 14-183. Minor streets/minor arterials.**

- (a) Local residential streets shall be so designed to discourage speeding and encourage safe environment for pedestrians and bicyclists. They shall be designed to discourage high speed through traffic.
- (b) Within historic districts, the platting of lots and streets shall be compatible with the historic patterns that exist within the historic district except for numbered state or federal routes.

(Ord. No. 2018-06-03, § 14-183, 6-3-2018)

**Sec. 14-184. Thoroughfare plan.**

The Director of Community Development shall review changes in the patterns of traffic, land development, and subdivisions, and prepare a report to the mayor and city council with recommendations concerning appropriate revisions to the thoroughfare plan. Such review shall:

- (1) Ensure safe and efficient access between neighborhoods and local services;
- (2) Ensure the continuity and adequacy of local streets, collector streets and arterial streets to form a coherent and continuous system of routes;
- (3) Identify applications of appropriate traffic calming and traffic management strategies to discourage unnecessary traffic and travel speeds in neighborhoods; and
- (4) Ensure a coherent and continuous system for pedestrian and bicycle travel.

(Ord. No. 2018-06-03, § 14-184, 6-3-2018)

**Sec. 14-185. subdivisions bordering on or containing arterial streets, railroad right-of-way or limited-access highway right-of-way.**

Where a subdivision borders on or contains an arterial street (major thoroughfares, and minor thoroughfares), a railroad right-of-way or limited-access highway right-of-way, the Director of Community Development may require the following:

- (1) Rear service alleys to facilitate traffic flow, safety and public services;
- (2) Provision of one or a pair of smaller marginal access streets approximately parallel to and on each side of this right-of-way at a distance suitable for the appropriate use of the intervening land as park or open space and to provide for multipurpose trails. These distances shall also be determined with due regard for the requirements of approach grades and future grade separations; or
- (3) In the case of limited-access highways only, reverse frontage lots may be created with landscape buffers and a non-access reserve strip along the rear property line.

(Ord. No. 2018-06-03, § 14-185, 6-3-2018)

**Sec. 14-186. Reserve strips.**

Reserve strips that separate developed or developable land from necessary access to streets shall be prohibited except when such access is controlled by City of Stonecrest.

(Ord. No. 2018-06-03, § 14-186, 6-3-2018)

**Sec. 14-187. Street intersection spacing.**

Street intersections with centerline offsets of less than 125 feet shall be prohibited in subdivisions.

(Ord. No. 2018-06-03, § 14-187, 6-3-2018)

**Sec. 14-188. Intersections—Right angles.**

Street intersections in subdivisions shall be as nearly at right angles as practicable. No interior angle shall be less than 75 degrees. Intersections or more than two streets shall be designed according to the specific types illustrated in the Standards for Construction and Design.

(Ord. No. 2018-06-03, § 14-188, 6-3-2018)

**Sec. 14-189. Intersections—Property line to be mitered.**

At each street intersection in a subdivision the property line at each block corner shall either be mitered. A mitered property line shall be located on the interior chord of a convex curve or located 15 feet inside the tangent of a concave curve.

(Ord. No. 2018-06-03, § 14-189, 6-3-2018)

**Sec. 14-189.1. Traffic improvements, street improvements, curb cuts, visibility requirements, and private street construction standards.**

- (a) Each building shall be located on a lot or parcel that abuts a public street or private street. Private streets shall only be allowed if the development seeking to have a private street is ten acres or larger in size. The Director shall have the authority to waive this minimum acreage requirement if all real property owners that abut the proposed private street agree to such waiver.
- (b) Where this chapter measures minimum building setback lines and frontages, or imposes development standards in connection with, or with reference to public streets, such measurements or standards set forth in the district regulations and supplemental regulations of chapter 27, in this chapter or elsewhere in the Code of the City of Stonecrest shall apply similarly for property abutting a private street where such private street has been approved by the planning commission. Nothing in this article is intended to authorize any kind of development on a private street that would not be authorized where there was public right-of-way.
- (c) Private streets within any zoning district shall not be used to satisfy the off-street parking requirements of the Code. Private streets within any district shall be assigned names and locations. The names of these streets shall be shown on plans required for the issuance of building and development permits as provided in this chapter and chapters 7 and 27 of this Code.
- (d) Lots may front on a public street or private street constructed to the standards found in this chapter.
- (e) Where sewer lines are constructed underneath a private street, the developer is required to grant an easement to the county for installation, maintenance and repair of such sewer lines if required by DeKalb County.
- (f) Private streets shall not be eligible for participation in the city's traffic calming program as provided for in chapter 17 of this Code.
- (g) Private streets shall not be eligible for participation in the city's residential sidewalk district program.
- (h) Developers and property owners' associations shall ensure access to all private streets by emergency and law enforcement vehicles and shall ensure that private streets are constructed to allow access by all emergency vehicles and law enforcement vehicles.
- (i) The use of private streets may not result in an increase in permitted density above that which would otherwise be permitted by the applicable district regulations. Density calculations shall be made based on a public street system and the preliminary plat that provides for a private street shall be density neutral. Additionally, a utility easement is not to be included in any plat as a part of an individual lot and thus such land that comprises the utility easements cannot be used to calculate the required minimum lot size, or minimum front yard size.
- (j) Private streets shall comply with requirements for public streets found in this chapter and all other applicable sections of the Code of the City of Stonecrest. Private streets shall be surfaced with the same type of materials that are used for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the city to surface and resurface streets so long as such alternative materials are approved by the Director.

(Ord. No. 2018-06-03, § 14-189.1, 6-3-2018)

### Sec. 14-189.2. Approval to create a private street.

- (a) The Director of Community Development, or his designee, shall authorize a private street where the Community Development Department has certified that the applicant has submitted all required documentation as set forth herein and where the Director of Community Development finds that:
  - (1) The location of the proposed private streets will not adversely impact use of any existing surrounding public streets;
  - (2) The location of the proposed private street will not adversely impact adjacent existing communities or neighborhoods;
  - (3) The applicant has shown that there is the requisite legal mechanism for the maintenance of the proposed private streets; and
  - (4) The applicant has provided written evidence that the proposed private street system is acceptable to the city departments or divisions responsible for law enforcement, sanitation, transportation and fire and rescue; and
- (b) If the private street is to be located in an historic district as that term is defined in section 14-410, then the applicant must provide the Director of Community Development a certificate of appropriateness authorizing the private street from the historic preservation commission. If no such certificate of appropriateness is provided to the ~~Director of~~ Director of Community Development, then the Director of Community Development shall deny the application for a private street.
- (c) Street rights-of-way shall be owned by the mandatory homeowner association as required by section 14-189.3. Street rights-of-way shall comply with all the requirements set forth in this Code, including, but not limited to, the requirements set forth in this chapter and in chapter 27 of this Code. An access easement and a utility easement shall entirely overlay the rights-of-way and shall be dedicated to City of Stonecrest for public use. All applicable setbacks, lot widths and lot areas shall be measured from the homeowner association right-of-way.

(Ord. No. 2018-06-03, § 14-189.2, 6-3-2018)

### Sec. 14-189.3. Legal mechanism for maintenance of private streets, resurfacing fund.

- (a) *Maintenance of private streets.*
  - (1) Each developer that chooses to include private streets within a condominium, as that term is defined by state law, or any other residential, commercial, institutional, industrial or office development shall organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association shall be organized so that it has clear legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city. The recorded declaration of covenants and articles of association shall specifically



require the property owners' association to repair and maintain each private street in the same manner as similar public streets are maintained by the city and such maintenance and repair shall be performed in compliance with all city standards and all applicable provisions of law.

- (2) Prior to any final plat approval, the developer shall submit articles of incorporation, declaration of covenants and bylaws for the property owners' association to the community development department. Those documents must thereafter be reviewed and approved by the city attorney.
- (b) *Maintenance fund.* The declaration of covenants and articles of association shall provide for a street maintenance fund the proceeds of which shall be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or a similar purpose. For the purposes of further providing further assurance that city funds shall not be used for maintenance of private streets, the developer shall submit proof of deposit of 50 percent of the current estimate of resurfacing costs, as determined by the community development and development director or designee, in an interest bearing account on behalf of the property owners' association.
- (c) *Maintenance bond* A developer must provide a maintenance bond renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The bond shall be for an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee. The developer may avoid securing the maintenance bond set forth in this subsection if the developer submits proof to the community development department that 100 percent of the then-current estimate of resurfacing costs, as determined by the community development and development director or designee, has been deposited in an interest-bearing account on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association shall specifically require the property owners' association to continuously maintain 100 percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.
- (d) *Assessment and liens.* The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in subsection (a) of this section. At least 15 percent of all fees or assessments paid shall be set aside in the maintenance fund. Any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.

(Ord. No. 2018-06-03, § 14-189.3, 6-3-2018)

#### **Sec. 14-189.4. Inspection of private streets within nine months of approval of the final plat; failure to correct deficiencies.**

- (a) Within nine months following approval of the final plat, the Director of Community Development or designee shall inspect the private streets to ensure compliance with all city standards and all applicable provisions of this Code, including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer shall be notified of any deficiencies in writing and such deficiencies shall be corrected within 60 days of the written notice of deficiencies unless the city agrees to extension of that period in writing.
- (b) Failure to correct the complete list of deficiencies shall be a violation of this section and shall subject the developer to prosecution for a code violation in the Municipal Court of the City of Stonecrest. Any person found to have violated this section shall be subject to a fine of not less than \$500.00 for each violation. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.
- (c) The Director of Community Development or designee shall deny the issuance of certificates of occupancy until all deficiencies have been corrected.

(Ord. No. 2018-06-03, § 14-189.4, 6-3-2018)

**Sec. 14-189.5. Abandonment of existing public streets.**

- (a) Any abandonment of a public street by the City pursuant to this section must comply with the applicable requirements set forth in state law and this code, including, but not limited to, the requirements set forth in O.C.G.A. § § 32-7-2(c) and 32-7-4 and as may hereinafter be amended.
- (b) A property owner may petition the governing authority to abandon an existing public street that abuts the owners' property. The petition must include documents that comply with all of the following requirements set forth in this section.
- (c) The petition shall contain evidence that each abutting landowner to the public street seeks to have the street abandoned.
- (d) The petition shall contain evidence that once abandoned pursuant to the requirements of state law, all property owners that abut the street agree that ownership of the street shall be placed in a property owners' association. The petition shall include evidence that 100 percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this part B.
- (e) The petition shall contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.
- (f) The petition shall include evidence that the declaration of covenants and articles of association or other legal instruments creating the property owners' association provide or have been amended to provide that membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit on the street.
- (g) The petition shall include evidence that the property owners' association shall be organized so that it has absolute legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.
- (h) The petition shall include evidence that the declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city.
- (i) The petition shall include evidence that the declaration of covenants and articles of association shall provide for a maintenance fund, the proceeds of which shall be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or similar purpose. For the purposes of further providing further assurances that city funds shall not be used for maintenance of private streets, the property owners' association shall submit proof of a maintenance fund equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee, in an interest bearing account on behalf of the property owners' association.
- (j) The petition shall include evidence that the property owners have a maintenance bond renewable annually in an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee.

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- (k) The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the streets for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of the owner. At least 15 percent of all fees or assessments paid shall be set aside in the maintenance fund.
- (l) The governing authority shall not consider a petition for abandonment unless it:
- (1) Contains all of the evidence and documents required by this Part B;
  - (2) The street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at-large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and
  - (3) Is supported by an analysis by the community development department that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at-large.

(Ord. No. 2018-06-03, § 14-189.5, 6-3-2018)

### **Sec. 14-190. Street classification and right-of-way width.**

All streets shall be classified according to the table in this section. Street construction standards shall be no less than as follows:

Minimum Right-of-Way Per Street Classification

Street Classification	Minimum Right-of-Way (Ft)	As Measured from Centerline (Ft)
Principal arterial	150	75
Minor arterial	80	40
Collector	60	30
Nonresidential local	60	30
Local (Residential subdivision)	50	25
Alley	20	10
Cul-de-sac	60	N/A

(Ord. No. 2018-06-03, § 14-190, 6-3-2018)

### **Sec. 14-190.1. Sidewalk required.**

- (a) Sidewalk is required along the frontage of any property abutting a public or private street in which a City of Stonecrest land disturbance permit is required pursuant to the requirements of chapter 27.
- (b) Where a property or development abuts both sides of an existing or future street, sidewalk will be required on both sides of the street.

(Ord. No. 2018-06-03, § 14-190.1, 6-3-2018)

### **Sec. 14-191. Improvements, right-of-way dedication.**

- (a) All proposed new streets shall be designed and built according to one of the standards listed in section 14-190 and as shown in the Standards for Construction and Design adopted by the Director.
- (b) Where a proposed subdivision or project requiring a land development permit has frontage on an existing public street, right-of-way shall be dedicated along that frontage so as to meet the standards of that street's classification in the city thoroughfare plan. The right-of-way shall be improved wherever required as further provided in this section. For existing streets on which a proposed subdivision or project requiring a land development permit has frontage, the applicant shall:
  - (1) Dedicate a minimum of 50 percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;
  - (2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in section 14-190; and
  - (3) Provide a minimum of 50 percent of the roadway pavement required in section 14-190 and install it to the right-of-way centerline.
- (c) Land reserved for any road purposes may not be counted in satisfying yard or area requirements on the City of Stonecrest Zoning Ordinance where the land is to be dedicated to the public in fee simple or an easement associated with the road is granted to City of Stonecrest.
- (d) Right-of-way dedication and road widening shall extend for the full length of road frontage of the property under development and shall conform the standards in these regulations. Flares at pavement ends may be required to extend beyond property under development.
- (e) The Director of Community Development, or his designee, after considering all related factors, may authorize deviations from this section as follows:
  - (1) Right-of-way dedication may be waived or modified if:
    - a. Existing use of property is not to be substantially changed as a result of proposed development or construction;
    - b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
    - c. The adjoining frontage is developed and the predominate existing right-of-way meets city standards.
  - (2) Road improvements may be waived or modified if:
    - a. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
    - b. Governmental construction plans for the road indicate a pavement width less than city standards (only the planned pavement width shall be required);
    - c. No more than five percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
    - d. The existing road meets current city standards; or
    - e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.
  - (3) The applicant may, with written concurrence of the development director and the city attorney, provide payment to the city in lieu of road improvements when:

- a. Road improvements by state or local action are scheduled within 24 months;
- b. Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;
- c. Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the city's road system; and
- d. Payment for road improvements shall be in accordance with a schedule adopted by the mayor and city council based on current street construction costs for the required section.

(Ord. No. 2018-06-03, § 14-191, 6-3-2018)

#### **Sec. 14-192. Half streets.**

Half streets are prohibited. The applicant shall be required to pave the full standard width of any existing unpaved public right-of-way or any proposed public street on which the proposed subdivision has frontage and access.

(Ord. No. 2018-06-03, § 14-192, 6-3-2018)

#### **Sec. 14-193. Temporary dead-end streets.**

Temporary dead-end streets may be platted, if recommended by the ~~planning director~~ **community development director or his/her designee** and approved by the mayor and council, where the proposed subdivision adjoins property not yet subdivided or property that may be redevelopment. A temporary dead end street shall end in a temporary turn-around. The right-of-way of any temporary dead end street shall be carried to the boundary of the properties being subdivided. Street signs shall be posted stating: "No Exit — temporary dead-end street."

(Ord. No. 2018-06-03, § 14-193, 6-3-2018)

#### **Sec. 14-194. Permanent dead-end streets; cul-de-sac required.**

- (a) Dead-end streets designed to be so permanently shall be provided with a cul-de-sac at the closed end and shall not exceed 1,200 feet.
- (b) The minimum outside radius of a cul-de-sac on a public street shall be 40 feet, measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped island at the center, and the clear width of the paved roadway measured from the outside of the landscaped island to the inside face of the outside curb shall not be less than 24 feet. The radius of the right-of-way for the cul-de-sac shall not be less than 50 feet.

(Ord. No. 2018-06-03, § 14-194, 6-3-2018)

#### **Sec. 14-195. Alleys.**

- (a) Alleys shall be required wherever topography or the presence of arterial roads or other features makes vehicular access from the front of the lot impractical or unsafe. Where the alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a public right-of-way and built to the standards required in these regulations/this chapter.

- (b) Alleys may be permitted as private streets providing secondary or service access and where the principal buildings have adequate access for emergency vehicles from a public street on their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public shall provide a continuous connection between one or more public streets. Alleys shall be paved and constructed to the same standards as the connecting public streets except that:

- (1) The paved width of an alley shall be not less than 12 feet;
- (2) Alleys shall be constructed with flush curbs;
- (3) Buildings shall be set back at least ten feet from the back of curb of an alley.

(Ord. No. 2018-06-03, § 14-195, 6-3-2018)

### **Sec. 14-196. Street grades.**

- (a) Subdivision street grades shall not exceed the following, with due allowance for reasonable vertical curves:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

- (b) A 14 percent grade on local residential streets may be approved by the Director of Community Development where a sight distance in feet of ten times the speed limit is maintained. An as-built street profile may be required.
- (c) No street grade shall be less than one percent and no one percent grade shall be longer than 300 feet.
- (d) Up to a 12 percent grade on alleys may be allowed, provided the Director of Community Development approves any required drainage plan.

(Ord. No. 2018-06-03, § 14-196, 6-3-2018)

### **Sec. 14-197. Minimum horizontal curve radius.**

Subdivision streets with design speeds of 20 miles per hour may not have a minimum centerline horizontal curve radius less than 90 feet. No other subdivision street shall have a horizontal curve radius less than 150 feet. Radius shall be measured from the centerline of the right-of-way.

(Ord. No. 2018-06-03, § 14-197, 6-3-2018)

### **Sec. 14-198. Minimum sight distance.**

All subdivision streets shall have minimum sight distance according to the table below:

Design Speed (MPH)	Sight Distance (Ft) <sup>(1)</sup>				
	2-Lane	3 and 4 Lanes		5 and 6 Lanes	
	SDL=SDR	SDL	SDR	SDL	SDR

25	280	n/a	n/a	n/a	n/a
30	335	350	375	400	420
35	390	410	440	465	490
40	445	470	500	530	560
45	500	530	560	595	630
50	555	590	625	660	700
55	610	650	685	730	770

Notes:

1. SDL refers to "sight distance to the left" and SDR refers to "sight distance to the right."
2. Minimum intersection sight distance for stopped passenger vehicles turning onto a roadway with no median and grades of three percent or less. Distances shall be adjusted for entering roadways with different design characteristics.

If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant shall, at the applicant's expense, provide adequate traffic-control devices or other physical improvements subject to the approval and installation by the city.

(Ord. No. 2018-06-03, § 14-198, 6-3-2018)

## Sec. 14-200. Access management.

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in thoroughfare plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (1) Commercial or office properties may be required, based on site conditions as determined by the development director, to provide a cross access drive and pedestrian access to allow circulation between sites. Cross access is not required between nonresidential uses and single-family uses.
- (2) Joint driveways, cross access easements and pedestrian access shall be established wherever feasible along a major or minor arterial or collector street. The building site shall incorporate the following:
  - a. Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 1,000 feet of linear frontage along the thoroughfare.
  - b. A design speed of ten mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles, and loading vehicles.
  - c. Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
- (3) Reserved.
- (4) The Director of Community Development may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - a. Joint access driveways and cross access easements are provided in accordance with this section.
  - b. The site plan incorporates a unified vehicular and pedestrian access and circulation system in accordance with this section.

- c. The property owner shall enter a written agreement with City of Stonecrest, recorded with the deed, that pre-existing connections on the site that do not meet the requirements of this section will be closed and eliminated after construction of each side of the joint use driveway.
- (5) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

Minimum Number of Access Points

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76—150 units	2	Residential arterial or collector street
Residential, 151—300	3	Collector street
Residential over 300 units	4	Collector street
Nonresidential, less than 300 required parking spaces	1	Collector street
Nonresidential, 300-999 required parking spaces	2	Major or minor arterial or collector street
Nonresidential, 1,000 or more required parking spaces	2 or more as determined by the department	Major or minor arterial or collector street

- (6) The separation of access points on a major or minor arterial or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
Less than or equal to 35 MPH	125 feet
36 to 45 MPH	245 feet
Greater than 45 MPH	440 feet

- a. The distance between access points shall be measured from the centerline of the proposed driveway or public street to the centerline of the nearest existing adjacent driveway or public street.
- b. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
- c. No driveway, except residential access, shall be allowed within 100 feet of the centerline of an intersecting arterial or collector street.
- d. No nonresidential access except right in/right out channelized access shall be allowed within 100 feet of the centerline of any other major or minor arterial.
- e. The requirements of this section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this section.
- (7) Where major or minor arterials or collector streets include medians, directional median openings shall be separated by a minimum of 330 feet and full median openings shall be separated by a minimum of 660 feet.
- (8) All street design and other development activities, including landscaping, shall be arranged on-site so as to provide safe and convenient access for emergency vehicles.



- (9) Along major or minor arterials, residential arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.

- a. Deceleration lane. A deceleration lane shall be required at each project driveway or subdivision street entrance, as applicable, that meets either the average daily traffic (ADT) or right turning volumes shown in the following table.

	2 Lanes on Main Road		2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	8,000	4,000	12,000	10,000
Daily right turning volume	150	75	150	75
Peak hour right turning volume	15	7	15	7

Operating Speed	Deceleration Lanes
Subdivision Streets	Not Required
35 mph	150 feet+50-foot taper
40 mph	150 feet+50-foot taper
45 mph	150 feet+50-foot taper
55 mph	200 feet+150-foot taper

Deceleration lanes located within 75 feet of an intersection radius may be extended to the intersection.

- b. Left turn lanes. Left turn lanes must be constructed at no cost to the city if either the ADT or left turning volumes shown in the following table are met. The Director of Community Development may also require the addition of a left turn lane, even when the conditions in the following table are not met, if roadway geometry or field conditions indicate that the safety of the traveling public would be improved.

Table 11.4-5 Minimum Volumes Requiring Left Turn Lanes

	2 Lanes on Main Road		2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	6,000	4,000	10,000	8,000
Daily left turning volume	300	200	300	200
Peak hour left turning volume	30	20	30	20

(Ord. No. 2018-06-03, § 14-200, 6-3-2018)

### Sec. 14-201. Planting strips.

The Director of Community Development shall maintain a list of trees that are appropriate for the planting strips, and no trees other than those on the list shall be placed in the planting strips. The Director of Community

Development shall also maintain specifications regarding spacing trees, and the appropriate time for planting. The trees may not count toward the fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree requirements under the tree protection ordinance, provided the requirements for tree type for planting strips are met.

(Ord. No. 2018-06-03, § 14-201, 6-3-2018)

## **Sec. 14-202. Access management areas; purpose and intent.**

The purpose and intent in enacting these regulations is as follows:

- (a) To promote policies for the uniform improvement of safe and efficient movement of traffic, both vehicular and pedestrian, throughout City of Stonecrest;
- (b) To maximize the benefit of transportation investments by maintaining a high level of functionality along major roadways;
- (c) To encourage efficient development plans that enable individuals to fulfill their daily activities through minimal use of single-occupancy vehicles, and through increased use of alternative transportation modes such as public transit, walking, and bicycling;
- (d) To provide for uniform control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway throughout City of Stonecrest;
- (e) To support the goals stated in the transportation plan, including improved multi-modal transportation, increased accessibility, and improved travel safety and efficiency; and
- (f) To provide a transportation system that results in less congestion and increased use of alternative modes of travel.

(Ord. No. 2018-06-03, § 14-202, 6-3-2018)

### **Sec. 14-202.1. Scope and applicability of regulations.**

These regulations apply to each application for the development, use, alteration, parking, open space, building or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of an access management area. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the access management area. Access management area regulations are supplemental to the underlying zoning district regulations. No development or building permit shall be issued to any applicant for permits for property or portions of property within an access management area until such time as the application complies with all applicable access management area regulations and underlying zoning district regulations. Where there is a conflict between an access management area regulation and another regulation contained in the Code, the access management area regulation shall govern. Where an access management area regulation is equally restrictive with other regulations in the Code, the access management area regulation shall govern.

(Ord. No. 2018-06-03, § 14-202.1, 6-3-2018)

### **Sec. 14-202.2. Definitions.**

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Continuous service drive* means a privately-owned and maintained continuous drive providing for ingress and egress to a public road.

*Lower functional classification* means those areas the Georgia Department of Transportation designates as lower functional classification on the current Functional Classification Map for the incorporated areas of the City of Stonecrest.

*Throat length* means the distance between the edge of the street and the end of the driveway within a development. The 50-foot throat length will allow three cars to stack up waiting to leave without interfering with the internal circulation of the parking lot.

(Ord. No. 2018-06-03, § 14-202.2, 6-3-2018)

### **Sec. 14-202.3. Driveways.**

The following standards for driveway access and spacing shall apply to all properties included in an access management area. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (a) Where roadways include medians, median openings shall be separated by a minimum of 660 feet;
- (b) Right-turn lanes shall be required at all driveways where the right-turning volume exceeds 300 vehicles per day;
- (c) The following driveway spacing shall be required for all driveways along the corridor between median openings or intersections with public roadways (measured center line to center line):
  - (1) The minimum distance of an upstream driveway from a median opening or intersection with a public roadway shall be 300 feet in addition to the storage length required for the driveway.
  - (2) The minimum distance of a downstream driveway from a median opening or intersection with a public roadway shall be 300 feet;
- (d) All developments shall have access to a public right-of-way. Access to a public right-of-way may be obtained via an adjacent public roadway with a lower functional classification. The maximum number of driveways per parcel depends upon the length of frontage along the corridor:
  - (1) For parcels with less than 600 feet of frontage, there shall be a maximum of one driveway allowed per parcel.
  - (2) For parcels with at least 600 feet of frontage, there shall be a maximum of two driveways per parcel.
  - (3) For parcels which have frontage along an adjacent public roadway with a lower functional classification, the maximum number of driveways will be unchanged, but the first driveway shall be located on the adjacent public roadway.
- (e) All driveways serving a single parcel must be at least 100 feet (measured from the centerline) from the property line that is perpendicular to the property frontage, and all deceleration lanes must be contained entirely within the property frontage. For parcels with insufficient frontage to accommodate these requirements, exceptions will be allowed, but driveway locations must be approved by the mayor or his designee. Access to a public right-of-way may be obtained through a shared driveway, which provides access to more than one parcel. Shared driveways are exempt from the requirement regarding distance of the driveway from the property line.
- (f) There shall be a minimum driveway throat length of 50 feet. Throat length is the distance needed into a site to transition vehicles to the internal circulation system of the site.

## (g) Driveway Width Dimensions.

## Nonresidential Driveway Width

Entrance Configuration	Minimum Width (Ft)	Maximum Width (Ft)
One way	15 <sup>(1)</sup>	18 <sup>(1)</sup>
Two way	24	36 <sup>(2)</sup>

## Notes:

(1) Where no other access is provided a minimum width of 20 feet shall be required.

(2) Additional width may be approved by the Director of Community Development based on an approved engineering design.

- (h) Driveway Radii. The minimum driveway radii for the intersection of local and nonresidential driveways and local streets is 25 feet. For all other roadway classifications, the minimum driveway radius is 50 feet.

(Ord. No. 2018-06-03, § 14-202.3, 6-3-2018)

**Sec. 14-202.4. Interparcel access.**

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family or duplex residential units. Where necessary, the mayor or his designee may require access easements be provided to ensure continuous access and egress routes connecting commercial, office, and multifamily lots. Stub-outs shall be provided to indicate that abutting properties may be connected to provide cross-access via a continuous service drive.

(Ord. No. 2018-06-03, § 14-202.4, 6-3-2018)

**Sec. 14-202.5. Pedestrian and bicycle access.**

Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be constructed along adjacent streets and those entering adjoining properties. Safe, convenient, and handicap-accessible pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development.

(Ord. No. 2018-06-03, § 14-202.5, 6-3-2018)

**Secs. 14-203—14-215. Reserved.****Part C. Easements****Sec. 14-216. Scope.**

The provisions of this division apply to easements for or in subdivisions.

(Ord. No. 2018-06-03, § 14-216, 6-3-2018)

**Sec. 14-217. Permission for dedication required.**

The applicant must obtain permission from the Director of Community Development for the dedication of utility easements prior to the submission of the dedication.

(Ord. No. 2018-06-03, § 14-217, 6-3-2018)

**Sec. 14-218. Reserved.**

(Ord. No. 2018-06-03, § 14-218, 6-3-2018)

**Sec. 14-219. Drainage easements; off-site.**

Where drainage system improvements are required on private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

(Ord. No. 2018-06-03, § 14-219, 6-3-2018)

**Sec. 14-220. Pedestrian and bicycle easements and paths.**

Pedestrian and bicycle easements and paths shall be required in subdivision or projects requiring a land development permit to provide circulation or access to schools, parks, libraries, shopping centers, transportation centers and other community facilities. Such easements shall have a paving width of five feet. Such paths shall be constructed according to the specifications set forth in the Standards for Construction and Design Drawings.

(Ord. No. 2018-06-03, § 14-220, 6-3-2018)

**Secs. 14-221—14-235. Reserved.****Part D. Blocks****Sec. 14-236. Generally.**

The lengths, widths and shapes of blocks in subdivisions shall be determined with due regard to:

- (1) Provision of building sites suitable to the special needs of the type of use contemplated or for the conservation of open space or existing historic features;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, or commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and
- (4) Limitations and opportunities of topography to minimize land disturbance and erosion.

(Ord. No. 2018-06-03, § 14-236, 6-3-2018)

**Sec. 14-237. Desirable maximum and minimum lengths.**

The dimensions of blocks shall be designed to accommodate and promote vehicular circulation at safe speeds. The desirable maximum block length in a subdivision is 1,200 feet and the desirable minimum length is 300 feet.

(Ord. No. 2018-06-03, § 14-237, 6-3-2018)

**Sec. 14-238. Mid-block easements and pedestrian paths.**

In blocks of 800 feet or more, the Director of Community Development may require the reservation of a ten-foot easement and the paving of a five-foot-wide path through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths shall be constructed according to the specifications set forth in the Standards of Construction and Design Drawings.

(Ord. No. 2018-06-03, § 14-238, 6-3-2018)

**Secs. 14-239—14-255. Reserved.****Part E. Lots****Sec. 14-256. Generally.**

The lot size, width, depth, shape and orientation and the minimum building, setback, side yard, and rear yard lines in subdivisions shall be in accordance with requirements of the city zoning ordinance.

(Ord. No. 2018-06-03, § 14-256, 6-3-2018)

**Sec. 14-257. Corner lots.**

Corner lots for residential use in a subdivision shall have an extra width of not less than 15 feet more than required for interior lots by the zoning ordinance for the zoning district within which they are located in order to provide appropriate front building setback from and orientation to both streets.

(Ord. No. 2018-06-03, § 14-257, 6-3-2018)

**Sec. 14-258. Frontage.**

Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved under this chapter.

(Ord. No. 2018-06-03, § 14-258, 6-3-2018)

**Sec. 14-259. Through lots and reverse frontage lots prohibited.**

Through lots and reverse frontage lots shall be prohibited in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from major arterials or to overcome specific disadvantages of topography and orientation, the lots fronting such

features may be platted in greater depth so that dwellings may be set back an appropriate distance from the major arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from a public alley shall not constitute a prohibited through lot. A landscape reservation of at least ten feet in width, and across which there shall be no right of vehicular access, may be required along the lot lines of lots abutting any disadvantageous feature or land use where access should be restricted in the public interest.

(Ord. No. 2018-06-03, § 14-259, 6-3-2018)

#### **Sec. 14-260. Side lot lines.**

Side lot lines in subdivisions shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

(Ord. No. 2018-06-03, § 14-260, 6-3-2018)

#### **Secs. 14-261—14-274. Reserved.**

(Ord. No. 2018-06-03, §§ 14-261—14-274, 6-3-2018)

### **Part F. Reservation of Open Spaces**

#### **Sec. 14-275. Open space required; purposes.**

- (a) All residential subdivisions under five acres or consisting of 36 or less dwelling units may, and all residential subdivisions greater than five acres or consisting of more than 36 dwelling units shall be required to provide open space, in order to achieve the following public purposes:
  - (1) Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;
  - (2) Reduce erosion and sedimentation by minimizing land disturbance; and
  - (3) Preserve and develop an adequate-tree cover.
- (b) Open space shall be a minimum of 20 percent of the land in all new subdivision developments.
- (c) Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this part.

(Ord. No. 2018-06-03, § 14-275, 6-3-2018)

#### **Sec. 14-276. Restrictions on open space.**

No more than 20 percent of the open space area may be covered with an impervious surface. Impervious surfaces may include paved trails, bike paths or multi-use paths, buildings, plazas, swimming pools, or athletic courts. Impervious surfaces in open space may not include sidewalks along public rights-of-way or parking lots, streets, or other areas for motorized vehicular use.

(Ord. No. 2018-06-03, § 14-276, 6-3-2018)

**Sec. 14-277. Dedication of parks, open space, recreation areas and conservation easements.**

Parks, open space, multi-use trails, recreation areas and conservation easements may be offered for dedication to the city by the property owner.

(Ord. No. 2018-06-03, § 14-277, 6-3-2018)

**Secs. 14-278—14-285. Reserved.****Part G. Sites for Civic Uses****Sec. 14-286. Reservation of sites for civic uses.**

A developer may reserve and offer property within a subdivision as a site for a civic use, including, but not limited to, public schools, fire stations, police stations, or recreation centers. The developer shall allow a minimum period of one year from the date of submittal of the preliminary plat during which time the proper authorities may authorize acquisition of the property for its intended civic purposes. If the reserved site has not been authorized for acquisition by the proper authorities within one year, the reservation shall terminate unless extended by the developer. If not extended, development of the formerly reserved site must follow the standard plat approval process. An amended final plat for the entire subdivision shall then be processed in the required manner when submitted by the developer.

(Ord. No. 2018-06-03, § 14-286, 6-3-2018)

**Secs. 14-287—14-295. Reserved.*****DIVISION 4. REQUIRED IMPROVEMENTS*****Part A. General Provisions****Sec. 14-296. Scope.**

This division applies to required improvements for or in subdivisions.

(Ord. No. 2018-06-03, § 14-296, 6-3-2018)

**Sec. 14-297. Location of required utilities in public rights-of-way.**

All required utilities within county or city rights-of-way shall be located as shown in the Standards of Drawings and Specifications maintained by the **community** development department and as otherwise provided herein.

(Ord. No. 2018-06-03, § 14-297, 6-3-2018)

**Secs. 14-298—14-311. Reserved.**



- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
ARTICLE III. - SUBDIVISIONS  
DIVISION 4. - REQUIRED IMPROVEMENTS  
Part B. Water

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## Part B. Water

### **Sec. 14-312. Reserved.**

(Ord. No. 2018-06-03, § 14-312, 6-3-2018)

### **Sec. 14-313. Design, construction and acceptance.**

The design and construction of all water main and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

(Ord. No. 2018-06-03, § 14-313, 6-3-2018)

### **Sec. 14-314. Pavement replacement.**

Cuts in existing street pavement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

(Ord. No. 2018-06-03, § 14-314, 6-3-2018)

### **Secs. 14-334—14-350. Reserved.**

## Part C. Sewers

### **Sec. 14-351. Reserved.**

(Ord. No. 2018-06-03, § 14-351, 6-3-2018)

### **Sec. 14-352. Design, construction and acceptance.**

The design and construction of all sewer lines and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

(Ord. No. 2018-06-03, § 14-352, 6-3-2018)

**Sec. 14-353. Pavement replacement.**

Cuts in existing street placement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

(Ord. No. 2018-06-03, § 14-353, 6-3-2018)

**Secs. 14-354—14-375. Reserved.****Part D. Streets****Sec. 14-376. Standards.**

- (a) *Generally.* Street improvements shall be provided in each subdivision in accordance with the specifications in this part and the standard plans and specifications available from the city. The term "state transportation department specifications" shall refer to the state department of transportation specifications in effect at the time the work is placed under contract. The references made to these specifications shall control the materials and equipment as well as the construction method of every class of work so applicable unless otherwise noted.
- (b) *Grading.* The construction limits shall be cleared of all trees, stumps, brush and rubbish before grading operations are begun. No trees, stumps, brush or rubbish shall be placed in fill sections within the construction limits. Such debris shall be disposed of in a manner satisfactory to the development director. Fill sections shall be placed in six-inch layers with each layer thoroughly compacted with a sheep foot roller or by other approved methods before the next layer is placed, compaction to be not less than 95 percent as determined by AASHTO, section T-99. Where unsatisfactory material is encountered (namely any material that will not compact properly, including solid rock) an additional 12 inches shall be excavated below the subgrade elevation and backfilled with a select material. Where unstable material is used in fills, the fill shall be left 12 inches below the subgrade elevation. This 12-inch fill section shall be filled with select material. Streets shall be graded to width of not less than 42 feet in the center of the right-of-way to provide eight-foot shoulders in accordance with city's standard plan.
- (c) *Curbing.* Header curbing shall be required on all streets and shall be furnished and installed by the applicant unless grassed swales are used for water quality control and approved by the development director. The minimum classes and types of curbing permitted will be as follows:
  - (1) Granite curbing, class D or better.
  - (2) Other than approved by the Director of Community Development, all curbing shall be placed in firm well-compacted subgrade, and curbing displaced prior to acceptance for maintenance by the city shall be reset or replaced. Specifications for the granite curbing are available from the City of Stonecrest Community Development Department.
  - (3) The use of rollback curb as approved by the Director of Community Development.
- (d) *Base and paving.* All roadways shall be paved according to the table below.

Minimum Construction Standards

Street Classification	Base	Binder	Topping 9.5 mm-Type II or 12.5 mm
Principal and minor arterials	12" GAB	6" <sup>(2)</sup>	1 ½"
Collectors	12" GAB	6" <sup>(2)</sup>	1 ½"
Nonresidential local	8" GAB	3" 19mm	1 ½"
Residential local and alleys	8" GAB	2" 19 mm	1"

## Notes:

1. Unless otherwise specified by the community development department or GDOT.
  2. Binder course shall consist of four inches 25 mm Superpave base and two inches of 19 mm Superpave binder.
- (e) As-built drawings for all new streets shall be submitted to the community development department depicting a street profile based on the centerline and 50-foot stations.
- (Ord. No. 2018-06-03, § 14-376, 6-3-2018)

**Sec. 14-377. Street signs.**

- (a) The city's standard steel post with horizontal reflectorized street nameplates with four-inch letters shall be furnished by the applicant and set by the applicant at all subdivision street intersections.
- (b) Street name signs shall have four-inch black letters on reflectorized silver background with black border. Nameplates shall be mounted parallel or nearly parallel to the street. The names shall be marked and visible from both sides. Signposts shall be ten-foot poles with at least three feet well-embedded in the ground.
- (c) The applicant shall pay to the city for each street name sign.
- (d) To ensure that all street markers are paid for by the applicant and installed at the proper time, the required street markers will be paid for by the applicant at the time of recording.
  - (1) For subdivisions recorded under a performance bond, the street marker will not be installed until the paving has been completed.
  - (2) For subdivisions recorded under a maintenance bond, the street markers may be installed at the time of recording.

(Ord. No. 2018-06-03, § 14-377, 6-3-2018)

**Sec. 14-378. Road hazards prohibited.**

Subdivision signs, planter boxes, and other similar permanent structures shall not be located on street rights-of-way and shall not be constructed in a manner which, in the opinion of the city, obstructs driveway sight distance or creates a traffic hazard; detailed plans for these structures shall be submitted to development director.

(Ord. No. 2018-06-03, § 14-378, 6-3-2018)

### **Sec. 14-379. Surface drainage specifications.**

- (a) The size, length and location of all surface drainage pipe or structures shall be shown on the final subdivision plats and shall be subject to the approval of the department and/or DeKalb County. All storm drain pipes or culverts carrying stormwater from the street and adjacent property between or through lots shall be extended to at least 30 feet behind the rear of the house, or otherwise as required by DeKalb County. Stormwater must be released into a channel without causing scouring, erosion or resulting sedimentation to the receiving channel. When necessary, the outlet channel shall include structural and vegetative measures to ensure nonerosion velocities. This requirement for pipe extension shall only apply to the discharge ends of piped systems.
  - (1) An exception to extending pipes 30 feet behind the rear of the house may be made for pipes 54 inches and larger where the house site is proposed to be more than 30 feet from the center of the drainage way.
  - (2) An exception to extending pipes 30 feet behind the rear of the house may be granted by the city when soil conditions prohibit erosion.
  - (3) An exception to extending pipes 30 feet behind the rear of the house may be granted by the city where lots are at least one acre in size, open channels are provided, and neither ponding nor erosion control will result.
- (b) Installation, backfilling and compaction shall be in accordance with state transportation department specifications, sections 106 and 520. All pipes shall have a minimum cover of one foot and headwalls or inlet basins constructed at the end of each pipe.
- (c) The design of drainage structures shall be based on recognized hydrological formulas as outlined in the Georgia Stormwater Management Manual.
- (d) A contour map with an interval of two feet shall be submitted as part of preliminary plats; where available, the city two-foot topographic map shall be used. As determined by the Director of Community Development, any lots within the subdivision which are undesirable for building due to bad drainage conditions shall be excluded, and no building shall be permitted thereon until these conditions have been corrected as specified by the department.

(Ord. No. 2018-06-03, § 14-379, 6-3-2018)

### **Sec. 14-380. Reserved.**

(Ord. No. 2018-06-03, § 14-380, 6-3-2018)

### **Sec. 14-381. Bonds or escrow required.**

- (a) If, at the time the final plat is submitted for approval, the construction of the street improvements has not been accomplished, then the final plat shall be disapproved. No performance bonds shall be allowed or authorized except the mayor shall require a performance bond to be filed with the city to ensure that all final road improvements required by this Code are made by the owner or applicant. The city shall accept no road until such time as all road improvements required by the city are made. Any acceptance of a road or approval of a final plat where the road improvements were not made prior to acceptance or approval shall be considered ultra vires and void.
- (b) After the work has been completed according to the city specifications and duly inspected by the city, then a maintenance bond shall be required equal to ten percent of the estimated construction cost. The proposed

maintenance bond shall be reviewed and approved as to form by the city attorney prior to acceptance by the city. The maintenance bond shall cover the street improvements, drainage system, water system and sewer system. Funds may be placed in escrow with the city in lieu of maintenance bonds.

- (c) The applicant shall be required to sign a maintenance agreement with the city, by which the applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer systems, and rights-of-way.
- (d) In case of emergency repairs, which must be made immediately, or required corrections, which are not made within 30 days of notice, the city shall have the authority to make these corrections and recover costs from the applicant. In cases where funds are being held in escrow by the city, the cost of making these corrections shall be deducted from these funds, and the applicant charged with any costs above the amount of escrow funds.

(Ord. No. 2018-06-03, § 14-381, 6-3-2018)

### **Sec. 14-382. Standard plans and specifications available.**

Standard city plans and specifications referred to in this part are on file and may be obtained from the **community** development department. The plans are cross sections and construction drawings for a graded street, paved street, driveway section for curbed streets, brick catch basin, barricade for dead-end streets, 24-inch concrete curb and gutter section and standard street marker.

(Ord. No. 2018-06-03, § 14-382, 6-3-2018)

### **Sec. 14-383. Sidewalks and bicycle lanes.**

- (a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved nonresidential developments and as set forth in section 14-190 of this article, unless determined by the Director of Community Development to be infeasible only due to severe cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however, continuous sidewalks shall be required on at least one side of all new and improved local residential streets in all new and improved. Refer to section 14-191 for sidewalk exemptions.
- (b) The Director of Community Development may require that sidewalks required pursuant to 14-383(a) be continued to the nearest major or minor arterial or collector street.
- (c) A grassed, planted or landscaped strip, as set forth in section 14-190 of this article, shall separate all sidewalks from adjacent curbs, bridges excepted. The Director of Community Development may approve a variable sidewalk location and landscape strip width based on site conditions and future road expansions. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.
- (d) Sidewalks shall be concrete, with the width based on the zoning ordinance, and four inches thick. Concrete shall be Class "B," as defined by the Georgia Department of Transportation, and have strength of 2,500 psi at 28 days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. The required width of a sidewalk may be increased, as determined by the Director of Community Development, based on site conditions to ensure pedestrian safety. See also, section 14-190.1.
- (e) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the Director of Community Development. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts. The sidewalk plan shall be recorded on the final plat and all sidewalks completely installed prior to approval of the final plat.

- (f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the Community Development Department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the city within 30 days or prior to issuance of a certificate of occupancy, whichever is earlier.
- (g) In any "landmark district" or "historic district," as defined by the city, where replacement or reconstruction of the sidewalk is deemed necessary, the sidewalk shall be replaced or reconstructed using materials, widths, and designs that are compatible with the historic materials and designs, if any, that exist within the historic district. Design compatibility shall be determined by the City of Stonecrest Historic Preservation Commission.
- (h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the department.
- (i) No person shall construct a sidewalk on any street in the city without first having obtained a permit to do so from the department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the department shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.
- (j) Bicycle lanes shall be required on new or substantially improved major or minor arterials, parkways, or collector streets where the posted speed limit is 35 miles per hour or greater. Bicycle lanes may also be required by the Director of Community Development where necessary to provide connections to bikeways in concert with the city bikeway master plan. Bicycle lanes shall be constructed as follows:
  - (1) Bicycle lanes, where required, shall be at least four feet wide and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be at least five feet wide and located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road. See also section 14-190.
  - (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the development director.
  - (3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.
  - (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.
- (k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane.

(Ord. No. 2018-06-03, § 14-383, 6-3-2018)

#### **Sec. 14-384. Reserved.**

(Ord. No. 2018-06-03, § 14-384, 6-3-2018)

**Sec. 14-385. Underground utilities.**

All utilities are required to be placed underground in all new subdivisions of two or more lots except where no utility improvements are required by this chapter, or where the development director determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. No. 2018-06-03, § 14-385, 6-3-2018)

**Sec. 14-386. Streetlights.**

Streetlights consistent with Georgia Power specifications, are required in all new subdivisions of two or more lots except where no utility improvements are required by this chapter. Streetlights shall be provided on the same side of the street as sidewalks.

(Ord. No. 2018-06-03, § 14-386, 6-3-2018)

**Secs. 14-387—14-395. Reserved.****Part E. Private Sewage Disposal****Sec. 14-396. Health department approval required for sewage disposal systems.**

Private sewage disposal including septic tanks shall be approved by the health department.

(Ord. No. 2018-06-03, pt. E, 6-3-2018)

**Secs. 14-397—14—405. Reserved.****ARTICLE IV. FLOODPLAIN MANAGEMENT*****DIVISION 1. FINDINGS OF FACT AND STATEMENT OF PURPOSE*****Sec. 14-406. Statutory authority.**

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, City of Stonecrest, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-407. Findings of fact.**

- (a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(Ord. No. 2018-06-03, § 14-407, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-408. Purpose and intent.**

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect, maintain and enhance human life and health;
- (b) Minimize the expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains; electric, nine telephone and sewer lines; and streets and bridges located in areas of special flood 2720 hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard;
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (i) Improve the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

(Ord. No. 2018-06-03, § 14-408, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-409. Methods of reducing flood losses.**

In order to accomplish its purposes, this article includes methods and provisions that:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage;



- (e) Prevent or regulate the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas; and
- (f) Limit the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

(Ord. No. 2018-06-03, § 14-409, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 2. DEFINITIONS***

### **Sec. 14-410. Specific definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give its most reasonable application.

*Accessory use* means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

*"Adjacent to the future-conditions floodplain"* means all those areas located lower in elevation than either three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, unless the area has absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc., with no fill or other manmade barriers creating the separation.

*Adversely affects* means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

*Apex* means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

*Appeal* means a request for a review of the director's interpretation of any provision of this article.

*Area of shallow flooding* means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard.* See "Special flood hazard area."

*Base flood* means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

*Base flood elevation* means the highest water surface elevation anticipated at any given point during the base flood.

*Basement* means any area of the building having its floor subgrade i.e., below ground level on all sides.

*Basin* means a region or land area drained by a single river system.

*Building.* See Structure.

*Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

*Director* means the director of community development or designee.

*Elevated building* means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

*Existing construction means*, for floodplain management purposes, any structure for which the "start of construction" commenced before June 3, 2018, the effective date of the first floodplain management regulations adopted by the community as a basis for that community's participation in the National Flood Insurance Program"

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 3, 2018.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FEMA* means the Federal Emergency Management Agency.

*Flood, flooding, or flood water* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
- (2) The condition resulting from flood-related erosion.

*Flood hazard boundary map (FHBM)* means the official map on which the Federal Emergency Management Agency or the Federal Insurance Administration has delineated the special flood hazard areas as Zone A.

*Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map and the water surface elevation of the base flood.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source. See "Flooding."

*Floodplain coordinator* is the individual appointed to administer and enforce the floodplain management regulations, and shall mean the Director of Community Development or his or her designee.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

*Floodway* means the channel of river or other watercourse and the adjacent land areas of the floodplain that is necessary to contain and discharge the based flood flow without cumulatively increasing the water surface elevation more than one foot, also referred to as "regulatory floodway."

*Floodway fringe* is the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

*Fraud and victimization* as related to division 6, variances, of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the zoning board of appeals will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

*Functionally dependent use* means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The terms include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and do not include long-term storage or related manufacturing facilities.

*Future-conditions flood* means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the one-hundred-year future-conditions flood.

*Future-conditions floodplain* means any land area susceptible to flooding by the future-conditions flood.

*Future-conditions flood elevation* means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

*Future-conditions hydrology* means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications, within a stream or other waterway, such as a bridge or culvert construction, fill and excavation.

*Governing body* is the Mayor and City Council for the City of Stonecrest.

*Hardship* as related to division 6, variances, of this article means the exceptional hardship that could result from a failure to grant the requested variance. The zoning board of appeals requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed foundation of a building.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

*Increased costs of compliance coverage* means the National Flood Insurance Program coverage used to mitigate repetitive flood loss properties, where the cumulative flood damage over a ten-year period is such that the cost of repairing the damage is more than half of the building's fair market value.

*Land development* means any land change, including but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

*Land development activities* means those actions or activities that comprise or facilitate a result in land development.

*Land development project* means a specific land development undertaking.

*Levee* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such a closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement (see "basement"), which includes the following:

- (a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this chapter.
- (b) For residential structures, all subgrade-enclosed areas are considered to be basements, including below-grade garages and storage areas.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Minimum necessary* means to afford relief with a minimum of deviation from the requirements of this article.

*National Geodetic Vertical Datum (NGVD)* as corrected in 1929, means the vertical control used as a reference for establishing varying elevations within a floodplain.

*New construction*, for floodplain management purposes, means structures for which the "start of construction" commenced after June 3, 2018, and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 3, 2018.

*Owner* means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*One-hundred-year flood or 100-year flood.* See "Base flood."

*Permit* means the authorization issued by the director necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Public safety and nuisance*, as the term is used in division 6, variances, of this article means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Recreational vehicle* means a vehicle which is:

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

*Remedy a violation* means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

*Repetitive loss structure* means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood drainage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

*Sheet flow area.* See "Area of shallow flooding."

*Site* means the parcel of land being developed, or the portion thereof on which the land development project is located.

*Special flood hazard area (SFHA)* means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1—A30, AE, A99, AR or AH; all floodplain and floodprone areas at or below the future-conditions flood elevation; and all other floodprone areas. All streams with a drainage area of 100 acres or greater must have the special flood hazard area delineated.

*Start of construction* includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings or structures appurtenant to the principal structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

*Subdivision* means the division or re-division of a lot, tract or parcel of land, regardless of its existing and future use, into two or more lots, tracts or parcels, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The market value of the building means:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement, or
- (2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures that have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

*Substantially improved existing manufactured home park or subdivision* means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads when the cost of such repair, reconstruction, rehabilitation or improvement equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

*Violation* means the failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 2018-06-03, § 14-410, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### ***DIVISION 3. GENERAL PROVISIONS***

### **Sec. 14-411. Lands and structures to which this article applies.**

This article shall apply to all areas within the jurisdiction of the city.

(Ord. No. 2018-06-03, § 14-411, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-412. Basis for establishing the areas of special flood hazard.**

- (a) The areas of special flood hazard. currently identified by the Federal Insurance Administration of FEMA in the flood insurance study and accompanying flood insurance rate maps and flood boundary and floodway maps, currently dated August 15, 2019 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this article.
- (b) The flood insurance study and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to the governing authority by the floodplain coordinator. The Flood Insurance Study, Federal Insurance Rate Maps and Flood Boundary and Floodway Maps are on file with the City of Stonecrest.
- (c) For those land areas acquired by city annexation, the flood insurance study and data in effect at the time of approval of this are hereby adopted by reference.
- (d) The areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a flood insurance study.
- (e) Studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain include, but are not limited to, the following:
  - (1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local, state or federal agency applicable to the City of Stonecrest; or
  - (2) Any flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.
- (f) Other studies, which may be relied upon for the establishment of the future-conditions flood 3056 elevation or delineation of the future-conditions floodplain, include, but are not limited to, the following:
  - (1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local state or federal agency applicable to the City of Stonecrest; or
  - (2) Any regulatory flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.

(Ord. No. 2018-06-03, § 14-412, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-413. Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this article and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine and/or imprisonment in accordance with chapter 1 of the City of Stonecrest Code. Each day

such violation continues shall be considered a separate offense, and nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2018-06-03, § 14-413, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-414. Repetitive loss structure and cumulative substantial damage.**

A building must be brought into compliance with requirements for new construction if it has incurred flood-related damages on two occasions during a ten-year period in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event, or damage of any origin is sustained whereby the cost of restoring the building to its before damage condition would equal or exceed 50 percent of the market value of the building before the damage occurred.

(Ord. No. 2018-06-03, § 14-414, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-415. Mandatory purchase of flood insurance.**

In the event that a property owner chooses not to purchase flood insurance on property at risk, or does not comply with a notice to bring a building into compliance, reducing the community efforts for flood protection, the insurance premium discount for the community's property owners as a community rating participant may not apply.

(Ord. No. 2018-06-03, § 14-415, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-416. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenant, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2018-06-03, § 14-416, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-417. Interpretation.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2018-06-03, § 14-417, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-418. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of city, any officer or employee thereof, the State of Georgia, or the Federal



Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 2018-06-03, § 14-418, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-419. Severability.**

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 4. ADMINISTRATION***

### **Sec. 14-420. Establishment of development permit.**

A development permit shall be obtained before any construction of other development begins within any area of special flood hazard. Application for a development permit shall be made on forms promulgated by the director and may include, but not be limited to, floodplain management/flood damage prevention plan; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials drainage facilities; and location of the foregoing. Specifically, all of the following information is required before the director will consider the application for a development permit:

(a) *Application stage:*

(1) Site plan, including but not limited to:

- a. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprints, or one-foot contour elevations throughout the building site; and
- b. Proposed locations of water supply, sanitary sewer, and utilities; and
- c. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
- d. If applicable, the location of the regulatory floodway; and
- e. Existing and proposed elevation of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material and storage of materials or equipment; and
- f. Proposed locations of drainage and stormwater management facilities; and
- g. Proposed grading plan; and
- h. Base flood elevations and future-conditions flood elevations; and
- i. Boundaries of the base flood floodplain and future-conditions floodplain; and
- j. Certification of the site plan by a registered professional engineer in the state.

(2) Building and foundation design detail, including but not limited to:

- a. Proposed elevation in relation to mean sea level, or highest adjacent grade, of the lowest floor, including the basement, of all structures; and

- b. For a crawl space foundation, location and total net area of foundation openings as required in subsection 14-429(6)(3) and FEMA Technical Bulletins 1-93 and 7-93; and
  - c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test Method); and
  - d. Certification that any proposed nonresidential floodproofed structure meets the criteria in 14-429; and
  - e. For enclosures below the base flood elevation, location and total net area of foundation openings as required in 14-429c(i).
  - f. Certification that the foundation design detail is by a registered professional engineer in the state.
- (3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection 14-429(6)(3)6. and FEMA Technical Bulletin TB 3-93; and
  - (4) All appropriate certifications listed in subsection 14-429(6)(3); and
  - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
  - (6) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS; and
  - (7) Copies of all applicable state and federal permits and certifications necessary for proposed development.
- (b) *Construction stage:*
- (1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the floodplain coordinator a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation, immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a currently state-registered land surveyor or currently state-registered professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a currently state-registered professional engineer or architect and certified by the same.
  - (2) Any work undertaken prior to submission of the certifications identified in subsection 14-420(b)(1) shall be at the permit holder's risk. The floodplain coordinator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or, failure to make said corrections required herein, shall be cause to issue a stop-work order for the project.
  - (3) Copies of permits issued for construction in the floodplain shall be forwarded to the floodplain coordinator.
- (c) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved regions. Any and all development permits and/or use and occupancy certificates or permits may be

revoked at any time if the construction and development activities are not in strict accordance with approved plans.

- (d) A development permit will not be approved for any construction or other development activities that do not meet the requirements, restrictions and criteria of this article.

(Ord. No. 2018-06-03, § 14-420, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-421. Designation of the floodplain coordinator.**

The Director is hereby appointed as the floodplain coordinator and is authorized to administer, implement, and enforce this article by granting or denying permits in accordance with its provisions.

(Ord. No. 2018-06-03, § 14-421, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-422. Duties and responsibilities of the floodplain coordinator.**

The duties and responsibilities of the floodplain coordinator shall include, but not be limited to, the following:

- (a) Review all development permits to determine that:
  - (1) The permit requirements of this article have been satisfied;
  - (2) Copies for all necessary permits from any governmental agencies from which approval is required are on file;
  - (3) All other required state and federal permits have been obtained;
  - (4) The site is reasonably safe from flooding; and
  - (5) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated.
- (b) Review, use and develop base flood data:
  - (1) When base flood elevation data has not been provided in accordance with section 14-412, the floodplain coordinator shall obtain, review, and reasonably utilize any base flood elevation, future conditions flood elevation, floodway or future conditions floodway data available from a federal or state agency, or other source, in order to administer the provisions of this article. Any such information shall be submitted to the Mayor and City Council for adoption; or
  - (2) Review and record the actual elevation in relation to the mean sea level, or highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved structures.
- (c) Notify other government agencies of an alteration or relocation of a watercourse:
  - (1) Notify adjacent communities and the Georgia Department of Water Resources prior to any alteration or relocation of a watercourse; and
  - (2) Submit evidence of such notification to the Federal Insurance Administration and FEMA; and
  - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (d) Obtain and maintain for public inspection and make available, as needed, the following:
  - (1) Certification required by subsection 14-429(b)(3) and section 14-432 (lowest floor elevations);

- (2) Certification required by subsection 14-429(b)(3)b. (elevation or floodproofing of nonresidential structures);
- (3) Certification required by subsection 14-429(b)(3)b. (wet floodproofing standard);
- (4) Certification of elevation required by section 14-432 (subdivision standards); and
- (5) Certification required by section 14-439 (floodway encroachments).
- (e) Make map determinations and interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation of the floodplain coordinator.
- (f) Review and record the actual elevation, in relation to mean sea level, to which any new construction or substantial improvement has been floodproofed.
- (g) Take action to remedy violations of this article as specified in section 14-413.
- (h) Respond to requests for listings of properties in the floodplain. The adopted method for disclosure at the time of sale or rental of a property is accomplished by providing to the interested parties, general public, realtor, insurance, mortgage and engineering consulting firms with an electronic database listing all properties in the floodplain, annually updated, and free of charge.
- (i) Duties for variances.
  - (1) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration and Federal Emergency Management Agency.
  - (2) Maintain the records of all appeal actions and report any variances to FEMA upon request.

(Ord. No. 2018-06-03, § 14-422, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-423. Appeals.**

The zoning board of appeals shall hear and decide appeals when an applicant alleges there is an error in any requirement, decision, or determination made by the floodplain coordinator within 1,000 feet of the property in the enforcement or administration of this article.

(Ord. No. 2018-06-03, § 14-423, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION***

### **Sec. 14-424. Floodplain management planning and public information.**

- (a) To comply with requirements of the community rating system, the city adopts the following:
  - (1) A floodplain management plan and progress that will be reported in the annual re-certification process. This plan will be updated for each subsequent two-year period.
  - (2) Public information shall include, but it is not limited to elevation certificate repository, map information, outreach projects, hazard disclosure, flood protection, and flood protection assistance.

(Ord. No. 2018-06-03, § 14-424, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-425. Stream dumping penalties.**

Ally natural growth or human-made debris that reduces the carrying and storage capacity of the city drainage system may be a violation of this article. Any person who dumps log, trash, trees, and similar debris, shall, upon conviction, be subject to a fine and/or imprisonment according to chapter 1 of the City of Stonecrest Code.

(Ord. No. 2018-06-03, § 14-425, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-426. Definitions of floodplain boundaries.**

- (a) Studied "A" zones, as identified in the flood insurance study, shall be used to establish base flood elevations whenever available.
- (b) For all streams with drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the floodplain coordinator. If future-conditions elevation data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-426, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-427. Engineering study requirements for floodplain encroachments.**

An engineering study is required, as appropriate to the proposed development activities on a site, whenever a development proposes to disturb the regulatory floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of section 14-439 shall apply. This study shall be prepared by a currently state-registered professional engineer and made a part of the application for a development permit pursuant to section 14-420. This information shall be submitted to and approved by the floodplain coordinator prior to the approval of any permit that would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (a) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (b) Step-backwater analysis, using a FEMA-approved methodology. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating the flood insurance study results and will then be rerun with the proposed modifications to determine the new base flood and future conditions flood profiles;
- (c) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base floodplain and future conditions floodplain storage capacity would not be diminished by the development;
- (d) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.

(Ord. No. 2018-06-03, § 14-427, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-428. General standards.**

- (a) No development shall be allowed within the future-conditions floodplain that could result in the following:

- (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
  - (2) Reducing the base flood or future-conditions flood storage capacity;
  - (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
  - (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (b) Any development within the future-conditions floodplain allowed under (a) above shall also meet the following conditions:
- (1) Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;
  - (2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
  - (3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
  - (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 14-430;
  - (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
  - (6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Director using the community consent forms before forwarding the submittal package to FEMA for final approval. Forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

(Ord. No. 2018-06-03, § 14-428, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-429. Standards of construction within the limits of the future-conditions floodplain.**

- (a) New construction and substantial improvements of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all of the pertinent requirements of this article have been met.
- (b) No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable provisions of this Code, state or federal law. In all areas of flood hazards the following standards are required:
  - (1) *Anchoring.* All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:
- (i) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
  - (ii) Using methods and practices that minimize flood damage;
  - (iii) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  - (iv) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (3) *Elevation and floodproofing.*
- (i) *Residential buildings.* New construction and substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of section 14-427, 14-428, and 14-439 have been met. If all of the requirements of section 14-427, 14-428, and 14-439 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, which is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (iii).
  - (ii) *Non-residential buildings.* New construction and substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of section 14-427, 14-428, and 14-439 have been met. If all of the requirements of section 14-427, 14-428, and 14-439 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or the future-conditions flood elevation, which is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (iii). New construction and substantial improvements that have met all of the requirements of section 14-427, 14-428, and 14-439 may be floodproofed in-lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or Architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain coordinator.
  - (iii) *(Elevated buildings)* All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwater. Designs for meeting these requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB-7-93, and must exceed the following minimum criteria:

- a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
  - b. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
  - c. Be certified by a currently state-registered professional engineer or currently state-registered architect.
- (iv) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity will not be furthered, extended or replaced.
  - (v) On-site waste disposal system shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
  - (vi) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive future condition elevation and development standards shall take precedence.

(Ord. No. 2018-06-03, § 14-429, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-430. Standards for utilities.**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - (1) Infiltration of floodwaters into the systems, and
  - (2) Discharge from the systems into floodwaters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
- (c) All above-ground utilities shall be elevated three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher.

(Ord. No. 2018-06-03, § 14-430, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-431. Standards for subdivisions.**

- (a) All subdivision and other development proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.
- (b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future conditions floodplain for residential structures will not be required.
- (c) All applications for land-disturbance permits will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a



currently state-registered professional engineer or currently state-registered land surveyor and provided to the floodplain coordinator.

- (d) All applications for land-disturbance permits shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding.
- (e) All applications for land-disturbance permits shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage or discharge from the system into flood waters.
- (f) All applications for land-disturbance permits shall provide adequate drainage and stormwater management facilities to reduce exposure to flood hazards.
- (g) All subdivision proposals shall provide the elevations of proposed structures in accordance with section 14-420.

(Ord. No. 2018-06-03, § 14-431, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-432. Standards for manufactured homes.**

- (a) All manufactured homes that are substantially improved within the limits of the future-conditions floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, if the manufactured home is on a site located:
  - (1) Outside of a manufactured home park or subdivision;
  - (2) In a new manufactured home park or subdivision;
  - (3) In an expansion to an existing manufactured home park or subdivision, or
  - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.
- (b) All manufactured homes to be substantially improved on sites in an existing manufactured home park or subdivision within the limits of the future-conditions floodplain that are not subject to the provisions of subsection (a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - (1) Lowest floor of the manufactured home is three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher, or
  - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
- (c) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain coordinator.
- (d) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been met.

(Ord. No. 2018-06-03, § 14-432, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-433. Standards for recreational vehicles.**

All recreational vehicles placed on sites within the limits of the future-conditions floodplain will either:

- (a) Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions, or
- (b) The recreational vehicle must meet all the requirements for new construction of residential buildings, including the anchoring and elevation requirements.

(Ord. No. 2018-06-03, § 14-433, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-434. Standards for accessory structures and facilities.**

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar structures and facilities) that are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with subsection 14-429(b)(3)(iii) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(Ord. No. 2018-06-03, § 14-434, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-435. Building standards for buildings authorized adjacent to the future-conditions floodplain.**

- (a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 14-429(b)(3)(iii).
- (b) *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 14-429(b)(3)(iii).

(Ord. No. 2018-06-03, § 14-435, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-436. Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A-zones).**

- (a) For residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data has been provided (A-zones), the floodplain coordinator shall review and reasonably utilize any available scientific or historic flood elevation, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this article.

- (b) If no data is available from any of these sources, the following provisions will apply:
- (1) No encroachments including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
  - (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Opening sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 14-428.

(Ord. No. 2018-06-03, § 14-434, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-437. Building standards for areas of shallow flooding (AO-zones).**

- (a) Areas of special flood hazard may include designated "AO" shallow-flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:
- (1) All substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for "elevated buildings" set forth in this Code or promulgated by the director or the state. The applicant's or owner's engineer shall certify to the floodplain coordinator that the lowest floor elevation level and the record shall become a permanent part of the permit file.
  - (2) Substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified flood insurance rate map flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
- (b) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2018-06-03, § 14-437, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-438. Definition of floodway boundaries.**

- (a) The width of a floodway shall be determined from the flood insurance study or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the floodplain coordinator. If floodway data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.
- (b) Following a pre-design conference with the floodplain coordinator, the boundaries or limits of the floodway shall be shown on the development or stormwater site plan containing existing topographic information.

(Ord. No. 2018-06-03, § 14-438, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-439. Floodway encroachments.**

Located within areas of special flood hazard established in section 14-412 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) All encroachments are prohibited, including earthen fill, new construction, substantial improvement, and any other new development within the regulatory floodway, except for activities specifically allowed in [subsection] (b).
- (b) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (c) If an applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodways shall be issued by the floodplain coordinator until an affirmative conditional letter of map revision is issued by FEMA and a no-rise certification is approved by the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-439, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-440. Maintenance requirements.**

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The floodplain coordinator may direct the owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-440, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 6. VARIANCE PROCEDURE***

### **Sec. 14-441. Nature of variance.**

- (a) The variance criteria set forth in this division are based on the general principle of law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the owner or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- (b) It is the duty of the mayor and city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple

provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 2018-06-03, § 14-441, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-442. Appeal board.**

- (a) In passing upon requests for variances, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article including all of the following:
  - (1) Danger that materials may be swept onto other lands to the injury of others;
  - (2) Danger of life and property due to flooding or erosion damage;
  - (3) Susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the existing individual owner and future owners of the property;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity of the facility to a waterfront location, where applicable;
  - (6) Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  - (7) Compatibility of the proposed use with existing and anticipated development;
  - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Any owner to whom a variance is granted shall be given written notice from the zoning board of appeals that:
  - (1) The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance; and
  - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain coordinator in the office of the Clerk of Superior Court of DeKalb County in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. No. 2018-06-03, § 14-442, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-443. Conditions for variances.**

- (a) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (b) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (c) Variances shall not be issued within any designated or mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

(Ord. No. 2018-06-03, § 14-443, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-444. Variance procedure.**

- (a) The zoning board of appeals, as established by the city, shall hear and decide requests for appeals or requests for variances from the requirements of this article.
- (b) The zoning board of appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain coordinator in the enforcement or administration of this article. No action will be taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter.
- (c) In reviewing such requests, the zoning board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (d) Applications for variances must be submitted in writing to the director in accordance with chapter 27.
- (e) Applications for variance shall be heard at a public hearing by the zoning board of appeals pursuant to chapter 27.
- (f) A variance shall only be issued when all of the following conditions are present:
  - (1) A finding of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in undue and exceptional hardship;
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud or victimize the public;
  - (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute limitations upon other properties;
  - (5) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements; and
  - (6) The strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.
- (g) Upon consideration of the factors of subsection 14-442(a) and the purposes of this article, the zoning board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (h) Any person aggrieved by the decision of the zoning board of appeals may appeal such decision by petition of review to the Superior Court of DeKalb County in accordance with state law. A person shall be considered aggrieved for the purpose of this subsection only if: said person or said person's property was the subject of

the action appealed from; or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(Ord. No. 2018-06-03, § 14-444, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

### **Sec. 14-445. Violations, enforcement and penalties.**

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this article shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(Ord. No. 2018-06-03, § 14-445, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-446. Notice of violation.**

If the floodplain coordinator determines that a property owner or other responsible person has failed to comply with the applicable provisions of this Code, an approved stormwater management plan or the provisions of this chapter, he shall issue a written notice of violation to such owner or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit thereof, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the director by filing a written notice of appeal within 30 days after the notice of violation.

(Ord. No. 2018-06-03, § 14-446, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-447. Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director shall first notify the owner or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient to cure such violation. In the event the owner or other responsible person fails to

cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties:

- (a) *Stop-work order.* The director may issue a stop-work order that shall be served on the owner or other responsible person. The stop-work order shall remain in effect until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the owner or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (b) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (c) *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the owner or other responsible person to take the necessary remedial measures to cure such violations.
- (d) *Penalties.* For violations of this chapter, the director may issue a citation to the owner or other responsible person, requiring such person to appear in the municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set forth in chapter 1. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2018-06-03, § 14-447, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Secs. 14-448—14-499. Reserved.**

## **ARTICLE V. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL**

### **Sec. 14-500. Title.**

This article will be known as "Soil Erosion, Sedimentation and Pollution Control Ordinance."

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-500, 6-3-2018)

### **Sec. 14-501. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

*Best Management Practices (BMPs)* means and includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

*Board* means the Board of Natural Resources.



*Buffer* means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Certified Personnel* means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

*Coastal Marshlands* means shall have the same meaning as in O.C.G.A. § 12-5-282.

*Commission* means the Georgia Soil and Water Conservation Commission (GSWCC).

*CPESC* means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

*Department* means the Georgia Department of Natural Resources (DNR).

*Design Professional* means a professional licensed by the State of Georgia in the field of means engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

*Director* means the Director of the Environmental Protection division or an authorized representative.

*District* means the DeKalb County Soil and Water Conservation District.

*Division* means the Environmental Protection division (EPD) of the Department of Natural Resources.

*Drainage Structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.

*Erosion, Sedimentation and Pollution Control Plan* means a plan required by the Erosion and Sedimentation Act, O.C.G.A. chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section 14-503C.

*Fill* means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

*Final Stabilization* means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures, as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

*Finished Grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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

*Ground Elevation* means the original elevation of the ground surface prior to cutting or filling.

*Land-DisturbingActivity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 14-502, subsection 5.

*LargerCommonPlanofDevelopmentorSale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this section, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

*LocalIssuingAuthority (LIA)* means the governing authority of any county or municipality which is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8.

*MetropolitanRiverProtectionAct (MRPA)* means a state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

*NaturalGroundSurface* means the ground surface in its original state before any grading, excavation or filling.

*NephelometricTurbidityUnits (NTU)* means Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

*NOI* means a Notice of Intent form provided by EPD for coverage under the State General Permit.

*NOT* means a Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

*Operator* means the party or parties that have means (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Outfall* means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on-site, becomes a point source discharging into that receiving water.

*Permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

*PhaseorPhased* means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.

*ProperlyDesigned* means Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

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

*Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

*Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*SoilandWaterConservationDistrictApprovedPlan* means an erosion, sedimentation and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

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

*StateGeneralPermit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and O.C.G.A. § 12-5-30(f).

*StateWaters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*StructuralErosion, SedimentationandPollutionControlPractices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

*TroutStreams* means all streams or portions of streams within the watershed as designated by the Wildlife Resources division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

*VegetativeErosionandSedimentationControlMeasures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-501, 6-3-2018)

## **Sec. 14-502. Exemptions.**

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, the Georgia Surface Mining Act of 1968;
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this section. For single-family residence construction covered by the provisions of this section, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to article 2 of chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this section shall be enforced by the Local Issuing Authority;
5. Agricultural operations, as defined in O.C.G.A. § 1-3-3, definitions, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in sections 14-503C(15) and (16), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for the purposes of this section, the term "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by subsection 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system, as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system, as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-502, 6-3-2018)

#### **Sec. 14-503. Minimum requirements for erosion, sedimentation and pollution control using best management practices.**

- A. *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections B. and

C of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES General Permit.

B. *Minimum requirements/BMPs.*

1. Best management practices as set forth in section 14-503 B. and C. shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with subsection B.2. of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to section O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the division pursuant to section O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This section shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the division pursuant to section O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
5. The LIA may set more stringent buffer requirements than stated in subsections C.15, 16 and 17 of this section, in light of O.C.G.A. § 12-7-6(c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 14-503B.2;
15. Except as provided in subsections C.16 and 17 of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: That under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article 5, chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this section. The following requirements shall apply to any such buffer:
  - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or

trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - (i) Stream crossings for water lines; or
    - (ii) Stream crossings for sewer lines; and
16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to article 2 of chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - (i) Stream crossings for water lines; or
    - (ii) Stream crossings for sewer lines; and
17. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with chapter 5 of Title 12 of this title, the Coastal Marshlands Protection Act of 1970. And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges,



roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this section, "maintenance" shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat;
- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
- d. Activities where the area within the buffer is not more than 500 square feet or that have a Minor Buffer Impact, as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.

- D. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections B. and C. of this section.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-503, 6-3-2018)

#### **Sec. 14-504. Application/permit process.**

- A. *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. *Application requirements.*
  - 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Stonecrest without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD, if applicable.
  - 2. The application for a permit shall be submitted to the Community Development Director, or his designee, and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection C. of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections B. and C. of this section will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
  - 3. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee, as defined in the state general permit for each acre of land-disturbing activity, included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
  - 4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and

any variances required by section 14-503C.15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per subsection B.6. of this section, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. *Plan requirements.*

1. Plans must be prepared to meet the minimum requirements as contained in section 14-503 B. and C., or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his level of involvement with the process, as developed by the Commission and in consultation with the division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. *Permits.*

1. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 14-503C.15, 16 and 17 are obtained, bonding requirements, if necessary, as per subsection B.6. of this section are met and all ordinances and rules and regulations in effect within the jurisdictional

boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-504, 6-3-2018)

#### **Sec. 14-505. Inspection and enforcement.**

- A. The Community Development Director, or his designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities, as defined herein, has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Community Development Director, or his designee, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- F. The division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-505, 6-3-2018)

#### **Sec. 14-506. Penalties and incentives.**

- A. *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- B. *Stop-work orders.*
1. For the first and second violations of the provisions of this article, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
  2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order;
  3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred; and
  4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has

occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

- C. *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 14-504B.6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. *Monetary penalties.* Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-506, 6-3-2018)

#### **Sec. 14-507. Education and certification.**

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on-site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on-site may contract with certified persons to meet the requirements of this article.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said section.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-507, 6-3-2018)

### **Sec. 14-508. Administrative appeal, judicial review.**

- A. *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 15 days after receipt by the Local Issuing Authority of written notice of appeal.
- B. *Judicial review.* Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-508, 6-3-2018)

### **Sec. 14-509. Effectivity, validity and liability.**

- A. *Effectivity.* This ordinance shall become effective on October 16, 2017.
- B. *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- C. *Liability.*
  - 1. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
  - 2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
  - 3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State, as defined thereby.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-509, 6-3-2018)

## **ARTICLE VI. TREE PROTECTION**

### **Sec. 14-516. Purpose and applicability.**

- (a) *Statement of purpose.*
  - (1) The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of land development in the city.
  - (2) The City of Stonecrest mayor and council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare and aesthetics of the City of Stonecrest and all its citizens.
  - (3) The citizens of the city and their many communities enjoy many benefits that can be directly attributed to our trees.
    - a. Trees produce oxygen, which is essential to the well-being of all animal life, including humans.

- b. Trees help to reduce the amounts of airborne pollutants. For example, trees remove carbon dioxide, that is a major environmental concern due to its current high levels.
  - c. Trees and their foliage intercept dust and particulate matter, thereby helping to purify our air and limiting health risks.
  - d. Trees and their root systems reduce soil erosion and stormwater runoff. This decreases sedimentation problems and improves water quality.
  - e. Trees provide food and shelter for desirable urban wildlife.
  - f. Trees provide screening, which in turns aids in the reduction of noise and glare.
  - g. Trees help moderate our air temperature to provide us with a comfortable environment.
  - h. Trees provide scenic amenities to soften the harshness of city buildings and streets. They are aesthetically pleasing to all that view them.
  - i. Trees may affect property values and can have a positive impact upon the economy of an area.
  - j. Trees can enhance the natural functions of streams and related buffers.
- (4) Protect specimen and historical trees in a manner consistent with the City of Stonecrest Tree Protection Ordinance.
  - (5) Provide standards for the preservation of trees as part of the land development process.
  - (6) Prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.
  - (7) Protect trees during construction to enhance the quality of life in the City of Stonecrest.
  - (8) Protect trees in construction of public facilities and utilities.
- (b) *General applicability.*
- (1) The terms and provisions of the tree protection ordinance shall apply to all real property in the City of Stonecrest except as otherwise provided in this article.
  - (2) The terms and provisions of the tree protection ordinance shall further apply to any residential or nonresidential development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided in this article.
  - (3) The terms and provisions of the tree protection ordinance shall also apply to development on any city-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this article.

(Ord. No. 2018-06-03, § 14-516, 6-3-2018)

## **Sec. 14-517. Exemptions.**

- (a) The following are exempt from this article:
- (1) The removal of five or fewer trees, other than specimen trees, on any single-family residential property, within a single calendar year.
  - (2) The removal of more than five trees, other than specimen trees, from an owner-occupied, single-family lot may be approved by the Director of Community Development if the owner must remove trees in order to build a newly permitted structure, or to build an addition to or make improvements to an existing structure, or to improve the health of other trees in the landscape.



- (3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said zoning contains specific conditions for both tree preservation and tree replacement.
- (4) The removal of trees found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, the Director of Community Development or urban forester.
- (5) The removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include tree harvesting.
- (6) The removal of any tree which has become, or threatens to become, a danger to human life or property.
- (7) Agricultural activities on land zoned RE.
- (8) Approved utility construction within permanent utility easements.
- (9) Construction, expansion, and operation of county landfills.
- (10) Building permits that do not require or authorize land disturbance.

(Ord. No. 2018-06-03, § 14-517, 6-3-2018)

#### **Sec. 14-518. Procedures.**

(a) Application requirements.

- (1) *Pre-application conference.* Prior to submission of an application for development, the applicant is encouraged to meet with the Director of Community Development to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.
- (2) *Tree survey.* Except as provided elsewhere in this article, a tree survey shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. Except as provided elsewhere in this section, all trees 18 inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than two inches (DBH) may be identified and counted for unit credit on the tree protection plan. Single residential lots on which the applicant intends to reside may be exempted from the tree survey requirements at the discretion of the director. With the prior approval of the Director of Community Development sampling methods may be used to determine tree densities for forested areas.

(b) Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:

- (1) Definition of spatial limits:
  - (i) Limits of land disturbance, clearing, grading, and trenching;
  - (ii) Tree save areas;
  - (iii) Specimen trees; and
  - (iv) Areas of revegetation.
- (2) Detailed drawings of tree protection measures and their location:

- (i) Location, species and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.
  - (ii) Tree fences;
  - (iii) Erosion control fences;
  - (iv) Tree protection signs;
  - (v) Tree wells;
  - (vi) Aeration systems;
  - (vii) Transplanting specifications;
  - (viii) Staking specifications; and
  - (ix) Other applicable drawings as determined by the Director.
- (3) The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lighting lines. The applicant shall coordinate the location of these utility lines with the utility companies in order to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.
  - (4) Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.
  - (5) Calculations of tree density proposed on-site per section 14-520, tree preservation and replacement requirements.
  - (6) Tree protection inspection. Following the receipt of a complete application, the Director of Community Development shall schedule and conduct an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.
  - (7) Following inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, the tree protection ordinance, and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.
  - (8) No development or building permit shall be issued until the tree protection plan has been approved by the Director of Community Development.
  - (9) All tree protection measures shall be installed prior to land disturbance.
  - (10) Single lots in platted residential subdivisions on which the applicant intends to reside may be exempted from the tree protection plan requirements at the discretion of the Director.
- (c) Final inspection. No certificate of occupancy shall be issued by the Director with respect to any permit subject to this article unless and until the Director of Community Development shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this article.
  - (d) Issuance of a building or land development permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.
- (Ord. No. 2018-06-03, § 14-518, 6-3-2018)

**Sec. 14-519. Fees (reserved).**

(Ord. No. 2018-06-03, § 14-519, 6-3-2018)

**Sec. 14-520. Tree preservation and replacement requirements.**

The following tree preservation and replacement requirements are hereby established:

- (1) If significant trees exist on a tract of land for which a permit subject to this article is sought, either 120 inches (DBH) per acre or 25 percent of existing significant trees per acre of such significant trees, whichever is less, shall be preserved on the site. Except for zoned C-1, C-2, M, or M-2 sites, trees and tree save areas counting toward this requirement shall not be located in required buffer zones. Trees and tree save areas counting toward this requirement on sites zoned C-1, C-2, M or M-2 may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director of Community Development determines that special constraints of a site result in an inability to build or develop without removing significant trees on a site, where there are only 120 inches (DBH) per acre or less of existing significant trees, the arborist may permit the removal of one or more significant trees. Trees removed pursuant to this section must be replaced with trees one (1.0) times the diameter inches of those removed.

- (2) There shall be at least two two-inch (DBH) over story trees in every front yard of properties zoned RE, RLG, R-100, R-85, and R-75. There shall be at least one two-inch (DBH) over story tree in every front yard of properties zoned RSM and R-60.
- (3) The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:
- (i) Residential developments. All residential subdivisions shall have an average density of 15 density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly-owned property may be located on such commonly-owned property.
  - (ii) Nonresidential and multifamily developments. The quantity of total existing/replacement trees on-site must be sufficient so as to produce a total site density factor of no less than 30 density units per acre.
  - (iii) With the exception of C-1, C-2, M, or M-2 zoned property, the total tree density units required for a parcel or lot shall be computed based on the area of the parcel or lot, excluding all area within the 100-year floodplain. Total tree density units required for C-1, C-2, M, or M-2 zoned property shall be computed based on the area of the parcel or lot, including all area within the 100-year floodplain.
- (4) Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this article. Tree unit values are assigned as follows:

CHART 1. Conversion from Diameter to Density Factor Units for Existing Deciduous Trees to Remain On-Site

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2

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(Supp. No. 4)

16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

CHART 2. Conversion from Diameter to Density Factor Units for Evergreens and Conifers

DBH	
2 to 9	0.2 less unit than deciduous trees
10 to 15	0.1 less unit than deciduous trees
All others	Same as deciduous trees

CHART 3. Conversion from Caliper Diameter to Density Factor Units  
for Deciduous Replacement Trees

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	0.4
3.0 to 3.9	0.5
4.0 to 4.9	0.7
5.0 to 5.9	0.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1
8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	0.05

The use of one- and three-gallon pines will be permitted only with prior approval. There will be no replacement value given for such trees.

- (5) Nothing in these regulations shall be construed to allow the removal of any tree or vegetation in a required stream buffer, transitional buffer zone or state buffer zone except buffer improvements as authorized by the Director.

- (6) Tree relocation and credit for existing trees replacement units will be granted to trees relocated on-site. Tree relocation is subject to approval of the Director of Community Development. Existing trees between two caliper inches and 7.9 caliper inches may be used for credit on the tree replacement plan.
- (7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director of Community Development in order to allow the removal of undesirable groundcover or understory vegetation.
- (8) Specimen trees.
  - (i) Specimen trees shall be identified by the City Arborist, and shall be located on the tree protection plan.
  - (ii) Standards for the identification, preservation, and protection of specimen trees shall be as follows: Any tree in fair or better condition which equals or exceeds the following diameter sizes:
    - a. Large hardwoods, i.e., oaks, hickories, yellow poplars, and similar species: 30 inches DBH.
    - b. Large softwoods, e.g., pines, evergreens, and similar species: 30 inches DBH.
    - c. Small trees, e.g., dogwoods, redbuds, sourwoods, and similar species: Ten inches DBH.
  - (iii) A tree in fair or better condition should meet the following minimum standards:
    - a. A life expectancy of greater than 15 years.
    - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
    - c. No major insect or pathological problem.
  - (iv) A lesser-sized tree can be considered a specimen if:
    - a. It is a rare or unusual species or of historical significance.
    - b. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.
    - c. It is a tree with exceptional aesthetic quality.
  - (v) The Director of Community Development may identify and require the preservation of a tree stand if it contains one or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.
  - (vi) It shall be prohibited to cut specimen trees existing on a tract of land that is the subject of a land disturbance permit, development permit or building permit without a special exception granted by the Zoning Board of Appeals if removal of the specimen tree has not been approved by the Director of Community Development.
  - (vii) Any specimen tree removed from a parcel shall be replaced by 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of this section, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (9) Protection of trees during construction. Methods and standards for tree protection shall be established in administrative guidelines to this article.
  - (i) Trees identified to be preserved and counted as credit for meeting required unit density shall have four-foot orange tree protection fencing installed at the critical root zones.

- (ii) No person engaged in the construction of any structures or improvements or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet of the area outside the critical root zone, as defined herein, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.
  - (iii) All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.
  - (iv) Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the Director of Community Development, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to 1.5 times the equivalent inches (DBH) of the tree removed or damaged.
- (10) Removal of trees from floodplain not permitted. Trees shall not be cut or removed from the floodplain, except as follows:
- (i) Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester.
  - (ii) As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
  - (iii) As part of an approved wetland mitigation plan.
  - (iv) Trees in the 100-year floodplain or required stream buffer may not be cut nor shall they be counted, except as otherwise provided in this section, tree preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned property, to accomplish requirements of the tree protection ordinance.
- (11) The Director of Community Development shall be responsible for distribution of appropriate public educational materials concerning the procedures of the tree protection ordinance, the value of maintaining existing trees, and proper methods of tree planting, preservation, and care.

(Ord. No. 2018-06-03, § 14-520, 6-3-2018)

#### **Sec. 14-521. Tree replacement standards.**

- (a) The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this article. At least 50 percent of replacement trees must be overstory trees; no more than 25 percent may be of any single species, and no more than 25 percent may be of evergreen species.
- (b) Unless otherwise approved by the Director of Community Development, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this article. Trees selected must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to ensure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.
- (c) It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.

- (d) Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director of Community Development.
- (e) Planting and staking details are addressed in the administrative guidelines and shall be specified in the required tree protection plan.

(Ord. No. 2018-06-03, § 14-521, 6-3-2018)

#### **Sec. 14-522. Buffers.**

- (a) *Stream buffers.* Stream buffers shall be consistent with the requirements of article VII of this chapter.
- (b) *Land use transition buffers.* Buffers shall be provided between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special land use permit or variance approval.
  - (1) Buffer planting shall meet the minimum width requirements contained in chapter 27 of the City of Stonecrest Code of Ordinances, except as authorized to be reduced by a condition of zoning, special land use permit or variance approval.
  - (2) Disturbance or encroachments.
    - (i) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g., stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
    - (ii) Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.
    - (iii) Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.
  - (3) Protection during land disturbing activities.
    - (i) During authorized land disturbing activities, transitional buffer zones, stream buffers, and state buffer zones shall be clearly demarcated and protected prior to commencement of, and during, construction.
    - (ii) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the arborist.

(Ord. No. 2018-06-03, § 14-522, 6-3-2018)

#### **Sec. 14-523. Parking lot landscaping.**

- (a) Off-street parking lots which contain more than 20 off-street parking spaces on any single lot shall contain landscaping and plantings as provided in chapter 27 of the City of Stonecrest Code of Ordinances.
- (b) Variances to reduce required parking spaces may be granted by the Zoning Board of Appeals when necessary to preserve a significant tree that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if the arborist certifies to the Zoning Board of Appeals that such trees will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the trees.

- (c) Any variance granted under the provisions of this article shall include a condition that should the subject trees die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the arborist.
- (d) The maximum variance allowed under this provision shall be four parking spaces, or ten percent of the total number of parking spaces required by the zoning ordinance, whichever is greater.

(Ord. No. 2018-06-03, § 14-523, 6-3-2018)

#### **Sec. 14-524. Street trees.**

Street trees and continuous landscape strips shall be provided, in conformance with the design requirements specified in chapter 27 of the City of Stonecrest Code of Ordinances, along newly constructed streets, and along existing streets which are widened or realigned subsequent to the adoption of this chapter, in all office, commercial, and industrial developments and along newly constructed streets of residential developments with a net residential density exceeding three dwelling units per acre or as otherwise directed by conditions of zoning or special land use permits.

(Ord. No. 2018-06-03, § 14-524, 6-3-2018)

#### **Sec. 14-525. Maintenance.**

Trees which are used to meet the density requirements for this article, except on single-family residential lots, shall be maintained for two growing seasons after the date of final inspection. The property owner shall maintain required tree density. The applicant or builder will be responsible for identifying newly planted trees to the homeowner and to inform the homeowner as to their proper maintenance.

(Ord. No. 2018-06-03, § 14-525, 6-3-2018)

#### **Sec. 14-526. Alternative compliance.**

The Director of Community Development must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required site density be met through alternative compliance. Where the Director of Community Development has determined that special constraints of a site result in an inability to provide the required tree density, the number of trees will be determined by the Director of Community Development based on-site review. Such site review shall require the developer to re-landscape each parcel using a density calculated as the maximum number of trees that can be sustained on the parcel less the impervious area of that parcel. The balance of trees shall be provided in common areas. If common areas are not sufficient, any remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the Director. The minimum size of trees replanted through the tree bank shall be two caliper inches and shall be planted in accordance with the species list attached as Appendix A hereto and in accordance with the requirements in section 14-521, tree replacement standards.

- (1) *Common area planting.* If trees are to be planted at another location, the following note must appear on the approved tree protection plan: "A tree protection plan addendum for this project shall be submitted to the Director of Community Development at least 30 days prior to requesting a final inspection. This plan shall include the species, size and location of trees to be planted off-site to meet the tree density deficit shown. Issuance of a certificate of occupancy is subject to approval of this plan, as well as verification of the installation of the trees."



- (2) *Tree banking.* If trees cannot be planted on-site and there is insufficient common area for replanting, the balance of trees will be accepted by the director for tree banking within the City of Stonecrest. Participants in the tree banking program administered by the Director, including the signing of an off-site reforestation agreement.

(Ord. No. 2018-06-03, § 14-526, 6-3-2018)

### **Sec. 14-527. Tree harvesting.**

Selective tree harvesting may be permitted upon authorization by the Zoning Board of Appeals in consultation with the arborist. Permits authorizing tree harvesting shall be in accordance with the following standards:

- (1) A 75-foot undisturbed buffer shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.
- (2) Notwithstanding the other provisions of this article, no property owner shall be required to preserve an undisturbed buffer that covers more than 25 percent of the total land area of the property, excluding area inside the 100-year floodplain. In any such case, an alternative buffer width shall be provided, as determined by the Zoning Board of Appeals pursuant to its review of the application for a tree harvesting permit.
- (3) The property shall be required to meet a tree density standard of 30 units per acre, not including the 75-foot buffer, upon completion of authorized land disturbing activities.
- (4) The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.
- (5) No tree harvesting shall be allowed within the city except after approval of a special exception by the Zoning Board of Appeals as is provided in article V, division 4 of chapter 27 of the City of Stonecrest Code of Ordinances. Further, subsequent to such approval of a special exception, no such tree harvesting shall be undertaken on any nonresidential parcel of land unless the transitional buffer zones required by the zoning regulations of the district in which located, are preserved in a natural and undisturbed state.
- (6) Once tree harvesting takes place in conformity with the above regulations, no development of the property shall be permitted that would require the cutting of trees preserved under subsections (3) and (5) of this section for a period of five years following authorization of tree harvesting.

(Ord. No. 2018-06-03, § 14-527, 6-3-2018)

### **Sec. 14-528. Utility company guidelines.**

- (a) All utility companies shall be required to obtain an annual permit issued by the Director. All applications for an annual permit shall include a list of subcontractors with names, addresses, and City business license numbers.
- (b) Periodic work schedules are to be submitted to the arborist showing the proposed location and extent of tree work to be performed.
  - (1) All tree trimming and pruning to be performed by public utilities, public agencies, and their subcontractors on trees growing on private or public rights-of-way shall be done according to the National Arborist Association Standards for Pruning of Shade Trees.

- (2) The routing of public and private utility easements shall be subject to review and comment by the Director of Community Development.

(Ord. No. 2018-06-03, § 14-528, 6-3-2018)

### **Sec. 14-529. Enforcement.**

It shall be the duty of the Director to enforce this tree protection ordinance. The Director shall have the authority to, and the Director of Community Development may recommend that, the Director revoke, suspend or void any land disturbance permit, development permit or building permit or suspend all work on a site or portion thereof in order to effect compliance with this article.

- (1) Violation and penalty. Any person, firm or corporation violating any of the provisions of this article, after having been first issued a warning, shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in violation of this article shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this section exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (2) Any trees eight inches (DBH) and over which have been removed in violation of this article shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of section 14-520, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (3) Additional legal remedies. In addition to all other actions and penalties authorized in this section, the City Attorney is hereby authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this article.
- (4) Appeals; power and duty of the board to hear appeals of decisions of administrative officials. The Zoning Board of Appeals shall have the power and duty to hear and decide appeals where it is alleged by an aggrieved party that there is error in any final order, requirement, or decision made by the Director based on or made in the enforcement of the tree protection ordinance. All such appeals shall be heard and decided following the notice requirements, criteria and procedural requirements in chapter 27 of the City of Stonecrest Code of Ordinances.
- (5) Administrative variances. Front, side and rear yard setbacks and parking requirements may be reduced by an amount not to exceed 50 percent where it is determined by the Director of Community Development to be necessary in order to preserve existing specimen or significant trees. Appropriate conditions to said administrative variances shall be imposed so as to ensure the continued health of said trees following the granting of such variances, including mandatory replacement requirements. Such administrative variances shall be considered and decided consistent with the procedures and criteria contained in chapter 27 of the City of Stonecrest of Ordinances. Appeals of final decisions regarding administrative variances may be taken as provided in subsection (4) of this section.
- (6) Special exception. The Zoning Board of Appeals is authorized to consider requests for special exception for the removal of an unauthorized specimen tree. All such requests shall be filed, notice given, and all procedures shall be as is required in the zoning ordinance. No such special exception for the unauthorized removal of a specimen tree shall be granted by the Zoning Board of Appeals unless the applicant has demonstrated and the Board has found that the property is not capable of earning a

reasonable economic return absent the grant of the special exception. In making this determination the Board shall consider the following factors:

- (i) Value of the trees in question, considering their age, size, health, and significance;
- (ii) The current level of economic return on the property;
- (iii) The marketability of the property; and the unfeasibility of alternate design or uses. Appeals from final decisions of the Board shall be as provided for in chapter 27 of the City of Stonecrest Code of Ordinances.

(Ord. No. 2018-06-03, § 14-529, 6-3-2018)

#### **Sec. 14-530. Establishment of tree bank.**

- (a) There is hereby established a City of Stonecrest Tree Bank (the "tree bank") for the acceptance, maintenance and disbursement of funds required to be paid pursuant to the terms of this article.
- (b) Notwithstanding anything in this article to the contrary, the tree bank may also accept funds donated for the purposes of preservation and/or replacement of the trees of the City of Stonecrest.
- (c) The ~~director of the planning and zoning department (the "director"), or the director's designee~~ community development director or his/her designee, shall have the authority to disburse funds from the tree bank, as directed by the Stonecrest City Council, for the purposes of preservation and/or replacement of the trees of the City of Stonecrest.

(Ord. No. 2021-11-03, § 1, 11-22-2021)

## **APPENDIX A**

City of Stonecrest Overstory Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer rubrum	Red Maple	October Glory, Red Sunset	Deciduous
Betula nigra	Riverbirch	Duraheat	Deciduous
Carpinus betuls	European Hornbeam		Deciduous
Carya aquatica	Water Hickory	Availability	Deciduous
Carya cordiformis	Bitternut Hickory	Availability	Deciduous
Carya glabra	Pignut Hickory	Availability	Deciduous
Carya illinoensis	Pecan		Deciduous
Carya tomentosa	Mockernut Hickory	Availability	Deciduous
Cedrus atlantica	Atlas Cedar		Evergreen
Cedrus libani	Cedar of Lebanon		Evergreen
Cedrus deodara	Deodar Cedar		Evergreen
Cryptomeria japonica	Japanese Cryptomeria		Evergreen
Fagus grandifolia	American Beech		Deciduous
Fraxinus tomentosa	Pumpkin Ash		Deciduous
Gingko biloba	Gingko	Plant male only. Autumn Bold, Fairmont	Deciduous
Ilex opaca	American Holly		Evergreen

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(Supp. No. 4)

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

<i>Juniperus virginiana</i>	Red Cedar	Brodie	Evergreen
<i>Liquidambar styraciflua</i>	Sweetgum	Limited Use-Rotundiloba (Avail.)	Deciduous
<i>Liriodendron tulipifera</i>	Tulip Poplar	Limited Use	Deciduous
<i>Magnolia acuminata</i>	Cucumbertree		Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Deciduous
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	Limited Use	Deciduous
<i>Nyssa sylvatica</i>	Black Gum		Deciduous
<i>Pinus echinata</i>	Shortleaf Pine		Evergreen
<i>Pinus taeda</i>	Loblolly Pine		Evergreen
<i>Platanus occidentalis</i>	Sycamore		Deciduous
<i>Quercus acutissima</i>	Sawtooth Oak		Deciduous
<i>Quercus alba</i>	White Oak		Deciduous
<i>Quercus bicolor</i>	Swamp White Oak		
<i>Quercus coccinea</i>	Scarlet Oak		Deciduous
<i>Quercus falcata</i>	Southern Red Oak		Deciduous
<i>Quercus georgiana</i>	Georgia Oak		Deciduous
<i>Quercus imbricaria</i>	Shingle Oak		Deciduous
<i>Quercus lyrata</i>	Overcup Oak		Deciduous
<i>Quercus laurifolia</i>	Laurel Oak		Deciduous
<i>Quercus michauxii</i>	Swamp Chestnut Oak		Deciduous
<i>Quercus macrocarpa</i>	Bur Oak		Deciduous
<i>Quercus nigra</i>	Water Oak		Deciduous
<i>Quercus nuttalli</i>	Nuttall Oak		Deciduous
<i>Quercus phellos</i>	Willow Oak		Deciduous
<i>Quercus prinus</i>	Chestnut Oak	Availability	Deciduous
<i>Quercus rubra</i>	Northern Red Oak		Deciduous
<i>Quercus shumardii</i>	Shumard Red Oak		Deciduous
<i>Quercus stellata</i>	Post Oak		Deciduous
<i>Quercus velutina</i>	Black Oak		Deciduous
<i>Taxodium distichum</i>	Bald Cypress	Shawnee Brave	Deciduous
<i>Tilia spp.</i>	Linden		Deciduous
<i>Thuja x 'Green Giant'</i>	Arborvitae	'Green Giant'	Evergreen
<i>Thuja plicata</i>	Giant (Western) Arborvitae		Evergreen
<i>Ulmus americana</i>	American Elm	Princeton and other resistant varieties	Deciduous
<i>Ulmus parviflora</i>	Lacebark Elm	Allee, Athena, Bosque	Deciduous
<i>Zelkova serrata</i>	Japanese Zelkova	Green Vase	Deciduous

City of Stonecrest Understory and Other Small Trees Acceptable for Replanting Credits

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer barbatum</i>	Florida Maple		Deciduous
<i>Acer buergeranum</i>	Trident Maple	Street Wise	Deciduous
<i>Acer campestre</i>	Hedge Maple		Deciduous
<i>Acer leucoderme</i>	Chalk Maple		Deciduous
<i>Acer palmatum</i>	Japanese Maple		Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous
<i>Aesculus pavia</i>	Red Buckeye		Deciduous
<i>Alnus serrulata</i>	Alder		Deciduous
<i>Amelanchier x grandiflora</i>	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
<i>Aralia spinosa</i>	Devils Walking Stick		Deciduous
<i>Betula nigra</i>	River Birch	Little King	Deciduous
<i>Carpinus caroliniana</i>	American Hornbeam		Deciduous
<i>Castanea pumila</i>	Chinkapin		Deciduous
<i>Celtis tenuifolia</i>	Georgia Hackberry		Deciduous
<i>Celtis laevigata</i>	Sugarberry		Deciduous
<i>Cercidiphyllum japonicum</i>	Katsura Tree		Deciduous
<i>Cercis canadensis</i>	Eastern Redbud		Deciduous
<i>Cercis reniformis</i>	Redbud	Oklahoma	
<i>Chioanthus retusus</i>	Chinese Fringetree		Deciduous
<i>Chioanthus virginicus</i>	White Fringetree		Deciduous
<i>Cladrastis kentukea</i>	Yellowwood		Deciduous
<i>Cornus</i> spp.	Dogwood	Florida and Kousa crosses	Deciduous
<i>Cornus florida</i>	Flowering Dogwood	Aurora	Deciduous
<i>Cornus kousa</i>	Kousa Dogwood		Deciduous
<i>Crataegus</i> spp.	Hawthorn	Thornless cultivars	Deciduous
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		Deciduous
<i>Diospyros virginiana</i>	Persimmon		Deciduous
<i>Halesia carolina</i>	Silverbell		Deciduous
<i>Halesia diptera</i>	Two Winged Silverbell		Deciduous
<i>Hamamelis virginiana</i>	Witch-hazel		Deciduous
<i>Ilex</i> spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
<i>Ilex decidua</i>	Possumhaw		Deciduous
<i>Juniperus virginiana</i>	Red Cedar		
<i>Koelreuteria paniculata</i>	Golden Raintree		Deciduous
<i>Lagerstromia indica x faurieri</i>	Crape Myrtle	Tree form cultivars disease resistant and hardy, eg., Choctaw, Natchez	Deciduous

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen
Magnolia x loebneri	Loebner Magnolia	Merrill	Deciduous
Magnolia macrophylla	Bigleaf Magnolia		Deciduous
Magnolia soulangiana	Saucer Magnolia		Deciduous
Magnolia stellata	Star Magnolia	Star Man	
Magnolia tripetala	Umbrella Magnolia		Deciduous
Magnolia virginiana	Sweetbay Magnolia		Evergreen
Malnus floribunda	Japanese Flowering Crabapple		Deciduous
Myrica cerifera	Waxmyrtle		Evergreen
Osmanthus americanus	Devilwood		Evergreen
Ostrya virginiana	Eastern Hophornbeam		Deciduous
Oxydendrum arboreum	Sourwood		Deciduous
Pinus Virginiana	Virginia Pine	Slopes, Screen	Evergreen
Pistacia chinensis	Chinese Pistache		Deciduous
Prunus spp.		Okame, Autumnalis	Deciduous
Sassafras albidum	Sassafras		Deciduous
Styrax americana	Snowbell		Deciduous
Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreum	Sparkleberry		Evergreen

City of Stonecrest Recommended Trees for Under Powerlines

Scientific Name	Common Name	Recommended
Acer buergerianum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis canadensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Kousa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koeleruteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man
Oxydendrum arboreum	Sourwood	
Prunus spp.		Okame, Autumnalis

Recommended Trees for Parking Lots

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	Street Wise
Acer rubrum	Red Maple	October Glory, Red Sunset
Betula nigra	River Birch	Duraheat
Chionanthus virginicus	Fringetree	
Cladrastis kentukea	Yellowwood	
Crataegus phaenopyrum	Washington Hawthorn	
Juniperus virginiana	Red Cedar	Brodie
Ilex spp.		Tree form Yaupon, Burford, Carolina #2
Lagerstromia indica x faurier	Crape Myrtle	Tree form cultivars, disease resistant and hardy, eg. Natchez, Choctaw
Nyssa sylvatica	Black Gum	
Pistacia chinensis	Chinese Pistache	
Quercus michauxii	Swamp Chestnut Oak	
Quercus nigra	Water Oak	
Quercus nuttalli	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Taxodium distichum	Bald Cypress	Shawnee Brave
Ulmus parvifolia	Lacebark Elm	Athena
Zelkova serrata	Japanese Zelkova	Green Vase

(Ord. No. 2018-06-03, app. A, 6-3-2018)

**Secs. 14-531—14-540. Reserved.**

## **ARTICLE VII. STREAM BUFFER**

### **Sec. 14-541. Applicability.**

The stream buffer regulations of this article apply along all perennial and intermittent streams throughout the city except as expressly exempted or permitted in accordance with section 14-544, in addition to the requirements of article V of this chapter.

(Ord. No. 2018-06-03, § 14-541, 6-3-2018)

**Sec. 14-542. Purpose.**

The purpose of the City's stream buffer regulations is to preserve existing mature riparian vegetation that can provide shade, leaf litter, woody debris and erosion protection for streams.

(Ord. No. 2018-06-03, § 14-542, 6-3-2018)

**Sec. 14-543. Minimum stream buffer requirements.**

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 14-544.
- (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Piping of streams is not allowed in required stream buffers unless a variance is granted.

(Ord. No. 2018-06-03, § 14-543, 6-3-2018)

**Sec. 14-544. Exemptions and special administrative permits.**

- (a) *Exemptions.* The stream buffer regulations of this article do not apply to any of the following activities, provided that any activity within a state-mandated stream buffer must meet state requirements. Exemption of these activities does not constitute an exemption from any other activity proposed on a property or a requirement to obtain a building/land development permit.
  - (1) Work consisting of the usual and customary repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section. Such usual and customary repair and maintenance activities cannot create any land disturbance, and must occur within the preexisting disturbed area;
  - (2) Maintenance, including the full replacement, of existing decks, porches or similar improvements attached to a dwelling that encroach into a city stream buffer so long as the work does not increase the degree of encroachment or any nonconformity. The complete replacement of these improvements is provided for, including the replacement of stairs and all supporting beams, posts and footings subject to compliance with applicable city codes. The necessary construction of new or improved footings as required to comply with current building codes is allowable up to a maximum of 100 square feet of land disturbance;
  - (3) Construction of new decks, porches or other similar additions no more than 200 square feet in area, to existing structures without a deck, porch or similar structure, provided that such construction does not require more than 100 square feet of land disturbance and does not further encroach more than ten feet into the city stream buffer;
  - (4) Existing development and on-going land-disturbance activities including existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land-disturbance activities on such properties is subject to all applicable buffer requirements;
  - (5) Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation



- and maintenance of the utility, including, but not limited to, manholes, vents and valve structures. This exemption may not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses expressly identified in this section;
- (6) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
  - (7) Land development activities within a dedicated transportation right-of-way existing at the time this section takes effect or approved under the terms of this section;
  - (8) Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land-disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents and valve structures;
  - (9) Emergency work necessary to preserve life or property. However, when emergency work is performed, the person performing it must report such work to the Community Development Department on the next business day after commencement of the work. Within ten business days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the Director or designee to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area;
  - (10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land-disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer;
  - (11) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
  - (12) The removal of dead, diseased, insect-infested, or hazardous trees (without any associated land disturbance), provided the property owner provides sufficient documentation of the condition of the trees before removal, including photographs and a report by a certified arborist; and
  - (13) Multi-use trails and related improvements that are part of a City Council-approved plan. Unless otherwise approved by the State, such encroachments must be located at least 25 feet from the banks of state waters when, after study of alternative trail alignments, the Director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a City Council-approved plan are not counted as part of a site's impervious surface area for the purposes of site development-related calculations and regulations.
- (b) *Special administrative permits.* The following activities may be approved within the stream buffers required by section 14-543 by special administrative permit, pursuant to the process outlined in the Zoning Ordinance:
- (1) Stream crossings by utility lines, roads, driveways or similar transportation routes, including trails for nonmotorized transportation;
  - (2) Public water supply intake or public wastewater outfall structures;
  - (3) Land development necessary to provide access to a property;

- (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
- (5) Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high-flow velocities due to steep slopes;
- (6) Exclusive of the exemptions in subsections(a)(2) and (3) of this section, minor land-disturbing activities totaling no more than 200 square feet in area and located more than 25 feet from the stream, for the construction of decks, porches, or other additions to existing structures, and accessory structures where riparian vegetation is restored or replaced in any disturbed areas; and
- (7) Construction and land disturbance that results in the reduction or removal of impervious surfaces.

(Ord. No. 2018-06-03, § 14-544, 6-3-2018)

#### **Sec. 14-545. State-mandated stream buffers.**

See section 14-503.

(Ord. No. 2018-06-03, § 14-545, 6-3-2018)

#### **Secs. 14-546—14-550. Reserved.**

### ***ARTICLE VIII. STORMWATER MANAGEMENT***

#### **Sec. 14-551. Policy.**

The Mayor and City Council find the City's stream systems are a valuable natural resource that requires joint and cooperative action by the City, the County, and the development industry to resolve existing stormwater management and flooding problems, prevention of their worsening or recurrence while utilizing this resource for the good of the entire city. The development industry and the City shall cooperate to control water quality and maintain the City's drainage and stream systems from stormwater runoff resulting from development activities.

(Ord. No. 2018-06-03, § 14-551, 6-3-2018)

#### **Sec. 14-552. General.**

- (a) *Purpose.* The regulations of this article are adopted to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. These regulations seek to meet that purpose through the following objectives:
  - (1) Establish decision-making processes surrounded land development activities that protect the integrity of the watershed and preserve the health of water resources;
  - (2) Require that new development and redevelopment maintain the predevelopment hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank

erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow-up.

(b) *Standards.*

- (1) The City of Stonecrest shall require all land development to comply with the criteria, technical specifications, and standards of the Georgia Stormwater Management Manual, as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic computations shall be those published in the Georgia Stormwater Management Manual.
- (2) Applicability. A combination of storage and controlled release of stormwater runoff shall be required for all development and construction for the entire site which meets one or more of the following criteria:
  - (A) Increases the peak rate of runoff from the site by more than one cubic foot per second for a ten-year frequency storm;
  - (B) Involves the creation, addition or replacement in redevelopment of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
  - (C) Any new development or redevelopment, regardless of size, that meets the definition of a stormwater hotspot as determined by the Director; or
  - (D) Land development activities that are smaller than the minimum applicability criteria set forth in items (A), (B) and (C) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (3) *Exemptions and waivers.* The provisions of this article shall not apply to the following activities:
  - (A) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project unless they meet one of the criteria listed above in subsection (b)(2) of this section.
  - (B) Additions or modifications to existing single-family or duplex residential structures unless it meets one of the criteria listed above in subsection (b)(2) of this section.
  - (C) Agricultural or silvicultural land management activities within areas zoned for these activities.
  - (D) Repairs to any stormwater management facility or practice deemed necessary by the Director.

- (F) If the installation of a stormwater management facility would increase downstream floodpeaks by less than one percent.
  - (G) The requirements, or portions thereof, of subsections (b)(2) and (3) of this section shall not be waived if the Director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system.
  - (H) A waiver of these minimum runoff quantity control requirements may be granted only after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics of a land disturbing activity receiving a waiver.
  - (I) Appeals from said waiver decisions may be taken to the zoning board of appeals.
- (c) *Information Required with land development permit applications.* Except as otherwise expressly exempted, land development permit applications must be accompanied by the following information:
- (1) Stormwater Management Plan in accordance with section 14-553;
  - (2) Performance bond, if applicable; and
  - (3) Applicable permit application and plan review fees.

(Ord. No. 2018-06-03, § 14-552, 6-3-2018)

### **Sec. 14-553. Stormwater management plans.**

- (a) *General.* Stormwater Management Plans must identify how post-development stormwater runoff will be controlled or managed and how the proposed project will meet all applicable requirements of this article. Plans must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the stormwater design manual.
- (b) *Information Required.* The Stormwater Management Plan must ensure compliance with the requirements and criteria in this article and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan must consist of maps, narrative and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all information required by the stormwater management site plan checklist of the stormwater design manual, including all of the following:
  - (1) Common address and legal description of site;
  - (2) Vicinity map;
  - (3) Existing Conditions Hydrologic Analysis;
  - (4) Post-Development Hydrologic Analysis;
  - (5) Stormwater management system design;
  - (6) Post-development downstream analysis;
  - (7) Construction phase erosion, sedimentation and pollution control plan;
  - (8) Landscaping and open space plan;
  - (9) Operations and maintenance plan;

- (10) Maintenance access easements;
  - (11) Inspection and maintenance agreements;
  - (12) Evidence of acquisition of applicable local and non-local permits;
  - (13) Any proposed off-site facilities.
- (c) *Existing Conditions Hydrologic Analysis.*
- (1) The existing conditions hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:
    - (i) A topographic map of existing site conditions with the drainage basin boundaries indicated;
    - (ii) Acreage, soil types and land cover of areas for each sub-basin affected by the project;
    - (iii) All perennial and intermittent streams and other surface water features;
    - (iv) All existing stormwater conveyances and structural control facilities;
    - (v) Direction of flow and exists from the site;
    - (vi) Analysis of runoff provided by off-site areas upstream of the project site; and
    - (vii) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
  - (2) For redevelopment sites, predevelopment conditions must be modeled using the established guidelines for the portion of the site undergoing land development activities.
- (d) *Post-Development Hydrologic Analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:
- (1) A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;
  - (2) Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project;
  - (3) Calculation for determining the runoff values that needs to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in section 14-555;
  - (4) Location and boundaries of proposed natural feature protection and conservation areas;
  - (5) Documentation and calculations for any applicable site design credits that are being utilized;
  - (6) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
- (e) *Stormwater Management System.* The description, scaled drawings and design calculations for the proposed post-development stormwater management system must include all of the following:
- (1) A map and/or drawing or sketch of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrict or sizes;
  - (2) A narrative describing how the selected structural stormwater controls will be appropriate and effective;

- (3) Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
  - (4) A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
  - (5) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 14-555;
  - (6) Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including stormwater drains, pipes, culverts, catch basins, channels, swails and areas of overland flow; and
  - (7) Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- (f) *Post-Development Downstream Analysis.* A downstream peak flow analysis must include the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual. The capacity of the drainage systems must be analyzed to the ten percent point.
- (g) *Construction-phase erosion, sedimentation and pollution control plan.* An erosion, sedimentation and pollution control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan must also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (h) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:
- (1) The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;
  - (2) Information necessary to construct the landscaping elements shown on the plan drawings;
  - (3) Descriptions and standards for the methods, materials and vegetation that are to be used in the construction;
  - (4) Density of plantings;
  - (5) Descriptions of the stabilization and management techniques used to establish vegetation; and
  - (6) A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (i) *Operations and Maintenance Plan.* This plan must include the detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. They must identify the parts or components of a

stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

(j) *Maintenance access easements.*

- (1) In both residential and nonresidential projects, an easement at least 20 feet in width shall be required so as to provide access to all stormwater detention facilities requiring regular maintenance at the site from a public or private street for the purpose of inspection or repair by securing all the maintenance access easements needed on a permanent basis. Upon final inspection and approval, a plat or document indicating that such easements exist must be recorded and must remain in effect even with the transfer of title to the property. The access easement shall conform to the following requirements:
  - (i) The access easement shall be cleared, grubbed and graded so that it can be utilized by rubber-tired construction vehicles;
  - (ii) The minimum drive surface width shall be 15 feet;
  - (iii) The drive shall be grassed or paved;
  - (iv) The maximum slope shall be 30 percent;
  - (v) Access easements may be combined with drainage easements containing an open channel; however, the combined easement shall be a minimum of 30 feet in width and shall be wide enough for the drainage channel and the drive;
  - (vi) A drive to the bottom of the pond shall be provided when the facility is over ten feet deep from the bench elevation or the facility is wider than 50 feet as measured from bench to bench; and
  - (vii) Where the facility is completely enclosed by walls, an access ramp, ladder or stairs shall be provided into the facility to allow for inspection and maintenance activities.
- (2) The access easement to the facility shall not have a profile slope steeper than 33 percent and a cross slope of no more than ten percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten percent to the drainage facility. Fencing that complies with the requirement of section 14-554 shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of section 14-554 shall be constructed on each maintenance easement.
- (3) Every normally-dry stormwater basin, lake, or parking lot detention facility shall be completely enclosed within a drainage/access easement. The drainage/access easement shall extend at least ten feet beyond the 100-year flooding limits of the stormwater facility and shall encompass any dam, outlet structure and energy dissipation devices. A 20-foot-wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Director of Community Development.

(k) *Inspection and Maintenance Agreements.*

- (1) Unless an onsite stormwater maintenance facility or practice is dedicated to and accepted by the City, the applicant must execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site. The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval. Approval of a preliminary plat or final plat shall be acceptance of any stormwater maintenance facility or practice by the City.

- (2) The inspection and maintenance agreement must identify by name or official title the persons responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a government agency, will remain with the property owner and will pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements must be made to pass the inspection and maintenance responsibility to the appropriate successor in title. These arrangements must designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
  - (3) As part of the inspection and maintenance agreement, a schedule must be developed for when and how often routine inspection and maintenance will occur to ensure the proper function of the stormwater management facility or practice. The agreement must also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and include remedies for the default thereof.
  - (4) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
- (l) *Evidence of acquisition of applicable local and non-local permits.* The applicant must certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (m) *Off-site facilities.*
- (1) The stormwater management plan for each land development project must provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on the property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
  - (2) A stormwater management plan showing the adequacy of the off-site or regional facility must be submitted to the Director.
  - (3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in any of the following impacts to upstream or downstream areas:
    - (i) Increased threat of flood damage to public health, life and property;
    - (ii) Deterioration of existing culverts, bridges, dams and other structures;
    - (iii) Accelerated streambank or streambed erosion or siltation;
    - (iv) Degradation of in-stream biological functions or habitat; or
    - (v) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

(Ord. No. 2018-06-03, § 14-553, 6-3-2018)



## Sec. 14-554. Design.

- (a) *Detention designs.* Detention designs may be rejected by the Director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.
- (b) *Discharge velocities.* Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved Georgia Stormwater Management Manual.
- (c) *Design storm.* The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a 100-year storm event.
- (d) *Drainage outfalls.* The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design on-site drainage facilities that result in no exacerbation of existing downstream conditions. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.
- (e) *Detention Storage.*
  - (1) The live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a 100-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
  - (2) Detention and sedimentation control facilities shall not be placed in any of the following:
    - (i) Transitional buffer zones, as defined by chapter 27.
    - (ii) Floodplains.
    - (iii) Wetlands.
    - (iv) Stream buffer zones.
    - (v) State buffer zones.
  - (3) Perforated standpipes or a French drain, in accordance with published design standards available from the Director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.
- (f) *Combined detention.* When the applicant requests and the Director determines that development and construction projects are too small, or that engineering and economic factors make combined detention or other stormwater management facilities more practical, the City may authorize the joint construction of these facilities to serve two or more properties by two or more applicants. This authorization shall be granted by the Zoning Board of Appeals upon application for approval being submitted through the Director. Where joint detention facilities serving two or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the detention facility, except upon approval of the Zoning Board of Appeals.
- (g) *Fencing.*

- (1) Permanent fencing at least six feet in height shall be required around all stormwater and sedimentation control facilities designed for temporary water storage depth of greater than four feet or those designated by the DeKalb County Board of Health as constituting a public health hazard.
  - (2) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The Director may waive fencing in nonresidential areas where a pond is more than 500 feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the Director would damage the environment or affect stream flow.
- (h) *Special flood hazard area elevation contours.* In residential districts, not less than 70 percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the special flood hazard area elevation contours with the exception that lots in the RE district shall conform to requirements of the R-100 district.
- (i) *Street centerline elevations.* The profile elevation of the centerline of all public streets shall be constructed a minimum of one foot above the special hazard flood area elevation contours. The Director may grant exceptions to this provision in cases where construction of the street elevation is a special flood hazard area and elevation contours would improve drainage or reduce the effects of flooding.

(Ord. No. 2018-06-03, § 14-544, 6-3-2018)

#### **Sec. 14-555. Performance criteria.**

The performance criteria of this section apply to all stormwater management plans, unless otherwise expressly stated.

- (1) *Water quality.* All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
  - (i) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
  - (ii) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
  - (iii) Runoff from hotspot land uses and activities identified by the Director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices and pollution prevention practices.
- (2) *Stream Channel Protection.*
  - (i) Protection from stream channels of bank and bed erosion and degradation must be providing by using all of the following three approaches:
    - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
    - b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event; and
    - c. Erosion prevention measures such as energy dissipation and velocity control.

- (ii) The Director is authorized to waive the detention storage requirements of subsection (2)(i)b of this section for sites that discharge directly into piped stormwater drainage systems, larger streams, rivers, wetlands, lakes, estuaries, tidal water or other situations where flows will not have a negative impact on stream bank stability or channel integrity.
- (3) *Overbank Flooding Protection.* Downstream overbank and property protection must be provided by controlling (attenuating) the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25 year return frequency storm event must be provided.
- (4) *Extreme Flooding Protection.* Extreme flood and public safety protection must be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- (5) *Structural stormwater controls.* All structural stormwater management facilities must be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews or other means and receive approval from the Director before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities, warrant greater control than that provided by the minimum control requirements, the Director may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.
- (6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1) of this section. The applicant may, if approved by the Director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are identified in the Georgia Stormwater Management Manual.
- (7) *Drainage System Guidelines.* Stormwater conveyance facilities, which may include culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches and energy dissipaters must be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, must meet the following requirements:
  - (i) Methods to calculate stormwater flows must be in accordance with the stormwater design manual;
  - (ii) All culverts, pipe systems, and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
  - (iii) Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

- (8) *Damn design guidelines.* Any land disturbing activity that involves a site that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

(Ord. No. 2018-06-03, § 14-555, 6-3-2018)

## **Sec. 14-556. Inspection and maintenance.**

### **(a) *Inspections during construction.***

- (1) Periodic inspection of the stormwater management system construction must be conducted by the Director or conducted and certified by a professional engineer approved by the Director. Construction inspections must utilize the approved stormwater management plan for establishing compliance. All inspections must be documented with written reports that contain the following information:
  - (i) The date and location of the inspection;
  - (ii) Whether construction is in compliance with the approved stormwater management plan;
  - (iii) Variations from the approved construction specifications; and
  - (iv) Any other variations or violations of the conditions of the approved stormwater management plan.
- (2) If any violations are found, the applicant must be notified in writing of the nature of the violation and the required corrective actions.

### **(b) *Final inspections and as-built plans.*** Upon completion of a project, and before a certificate of occupancy may be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the City is required before the release of any performance bonds or financial guarantees.

### **(c) *Long-term maintenance and inspections.***

- (1) Stormwater maintenance facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.
- (2) A stormwater management facility or practice must be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director must notify the person responsible for carrying out the maintenance plan to the person specified in the inspection and maintenance agreement. The notice must specify the measures needed to comply with the agreement and the plan and must specify the time within which such measures must be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may pursue all available enforcement actions and penalties.
- (3) Inspection programs by the City may be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and join inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records;

- sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.
- (d) *Right of entry for inspections.* The terms of the inspection and maintenance agreement must provide authority for authorized city or city-contracted officials to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation.
  - (e) *Maintenance responsibilities.*
    - (1) Except as otherwise provided in this section, the commercial and/or multifamily residential property owner shall be responsible for the maintenance of the stormwater management facilities during grading, construction, and following final approval of the completed project. This maintenance and certification obligation shall be binding on all future owners, successors and assigns of the property.
    - (2) Stormwater management facilities in single-family residential subdivisions constructed under permits issued prior to the adoption of the City ordinance assigning maintenance responsibility will not be accepted for city maintenance unless individually approved by and at the discretion of the Zoning Board of Appeals and suitable access easements are provided.
  - (f) *Records.* Parties responsible for the operation and maintenance of a stormwater management facility must provide records of all maintenance and repair to the Director.
  - (g) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Director, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice is deemed sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owners of the facility for the cost of repair work, which will be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.
  - (h) *Special drainage system maintenance requirements.*
    - (1) Trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.
    - (2) No restriction or barriers, including fences, may be placed in the drainage system or special flood hazard areas without first obtaining a development permit. When on-site or off-site debris has accumulated within a special flood hazard area in such a manner as to interfere with the free flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the special flood hazard areas, the Director shall require the owner of the property where this debris was generated, if its source can be identified, to clear and remove the debris so as to permit the free flow of water.
    - (3) No impoundment of water which retains in excess of five-tenths (0.5) acre (in feet) of runoff may be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the applicant show that this removal will not adversely affect downstream properties.

(Ord. No. 2018-06-03, § 14-556, 6-3-2018)

**STATE OF GEORGIA**  
**COUNTY OF DEKALB**  
**CITY OF STONECREST**

**ORDINANCE \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE TO AMEND CHAPTER 14 - LAND DEVELOPMENT OF THE CITY**  
2 **OF STONECREST CODE OF ORDINANCES TO REVISE TEXT RELATED TO THE**  
3 **REORGANIZATION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT**  
4 **WITHIN THE CITY OF STONECREST; TO PROVIDE FOR SEVERABILITY; TO**  
5 **REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO**  
6 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**  
7 **PURPOSES.**

8  
9 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation  
10 created under the laws of the State of Georgia; and

11 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council  
12 (“City Council”) thereof; and

13 **WHEREAS**, the City is committed to improving the efficiency, transparency, and  
14 responsiveness of its governmental operations; and

15 **WHEREAS**, the City Council, in consultation with the Mayor and City Manager, has  
16 determined that a reorganization of certain departments is necessary and in the best interests of the  
17 residents; and

18 **WHEREAS**, the City Council shall have the authority to adopt and provide for the  
19 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem  
20 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,  
21 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City  
22 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

23           **WHEREAS**, in accordance with Section 2.12. (Administrative and service departments.)  
24 of the City Charter the City Council by ordinance, may establish, abolish, merge departments, and  
25 agencies of the City as it shall deem necessary for the proper administration of the affairs and  
26 government of the city; and

27           **WHEREAS**, the City has begun a department reorganization of its departments to include  
28 a reorganization of the Community Development: and

29           **WHEREAS**, the City desires to amend Chapter 14 - LAND DEVELOPMENT of the City  
30 of Stonecrest Code of Ordinances to change all text related to the reorganization of the  
31 department of community development to reflect the following:

- 32           • Director shall mean the Community Development Director or his/her designee;
- 33           • Department shall mean the Community Development Department;
- 34           • Planning and Zoning shall mean the Planning and Zoning Division;
- 35           • Code Enforcement shall mean Code Enforcement Division;
- 36           • Land Development shall mean Land Development Division;
- 37           • Land Development shall mean Land Development Division; and

38           **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
39 impacted by the adoption of this Ordinance.

40           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
41 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**  
42 **thereof:**

43           **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by  
44 amending Chapter 14 - LAND DEVELOPMENT to revise text related to the reorganization of the

Department of Community Development by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

**Section 2.** That the amended ordinance be read and codified as follows with added text in **red font, bold and underlined** and deleted text in **red and strikethrough** font.

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

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their 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 sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases,



68 clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional,  
69 enforceable, and of full force and effect.

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

72 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
73 repealed to the extent of the conflict only.

74 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the  
75 Mayor and Council unless otherwise stated herein.

76 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the  
77 State of Georgia and the City of Stonecrest.

78 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the  
79 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
80 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such  
81 intention.

**SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2025.**

**[SIGNATURES ON FOLLOWING PAGE]**

**CITY OF STONECREST, GEORGIA**

---

**Jazzmin Cobble, Mayor**

**ATTEST:**

---

City Clerk

**APPROVED AS TO FORM:**

---

City Attorney

**EXHIBIT A**

## Chapter 14 LAND DEVELOPMENT

### ARTICLE I. IN GENERAL

#### Sec. 14-1. Definitions.

Where words are not herein defined, but are defined in chapter 1, those words shall have the meaning, as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*100-year floodplain* means land in the floodplain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*Aggrieved person* means a person whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

*Agricultural operations* means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

*Alley* means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

*Appeal* means a review authorized by this chapter of any final order, requirement, or decision of the ~~planning director~~ community development director or his/her designee or the City staff based on or made in the enforcement of this chapter.

*Applicant* means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

*As-built drawings* means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

*Bank (stream bank)* means the sloping land that contains the stream channel and the normal flows of the stream.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

*Best management practices (BMPs)* includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia, published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

*Bicycle lane* means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the planning director may delineate the outline of the block.

*Buffer area* means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of the City of Stonecrest Code and all conditions of zoning, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district.

*Buffer, stream,* means the portion of a lot and/or area of land immediately adjacent to the banks of streams as regulated by land development regulations of this chapter.

*Buffer zone, state,* means an area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Buildable area* means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

*Builder* means a person who constructs a structure or dwelling for residential occupancy by humans.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building permit* means required written permission issued by the development director for the construction, repair, alteration, or addition to a structure.

*Building setback line.* Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set back line requirements in chapter 27 of the Code of the City of Stonecrest and any zoning conditions approved thereto. The size of the utility easements for a private street shall be equal to the required size of the public right-of-way and shall not be any smaller in width or length than what would be required for a public right-of-way.

*CPESC* means a certified professional in erosion and sediment control with current certification by Certified Professional in Erosion and Sediment Control Inc. (EnviroCert, Inc.), a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

*Caliper* means the diameter of a tree trunk, applied only to new or replacement plantings, that is taken six inches above the ground for up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

*Certified personnel* means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

*Channel* means a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

*Channel protection* means the protection of stream channels, in accordance with the Georgia Stormwater Management Manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

*City Manager* means the City Manager of the City of Stonecrest or designee.

*City zoning ordinance or zoning ordinance* means the zoning ordinance of the City of Stonecrest, Georgia.

*Clean concrete* means concrete that is free of added paints, insulators, reinforcing materials, sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that could potentially contaminate groundwater.

*Coastal Marshlands* shall have the same meaning as in O.C.G.A. § 12-5-282.

*Collector street* means a street or road designated as a collector street in the thoroughfare plan.

*Combination plat* means the combination or redivision of two or more lots, tracts or parcels, regardless of their existing and future use, into one lot, tract, or parcel.

*Commission* means the Georgia Soil and Water Conservation Commission (GSWCC).

*Comprehensive plan* means the City of Stonecrest Comprehensive Plan adopted by the city council, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long term planning and use of land.

*Conservation easement* means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

*Construction* means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

*Construction waste* means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

*Critical root zone* means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one foot per inch DBH.

*Crosswalk* means a right-of-way within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

*DBH (Diameter at breast height)* means the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

*DNR* means the Department of Natural Resources of the State of Georgia.

*Deck, elevated,* means an open, unenclosed structure elevated above pervious natural grade that is attached to the primary structure.

*Density factor* means a unit of measurement used to prescribe the calculated required tree coverage on a site.

*Department* means the community development department or its designee.

*Design professional* means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design

Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

*Detention* means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge of the stormwater, as that term is defined by state law or this chapter.

*Detention facility* means a facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

*Developer* means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

*Development* means all activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, stormwater drainage facilities, sidewalks or other structures permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

*Development director, ~~Planning Director,~~ or Director* means the director of the community development department of the City of Stonecrest or designee.

*Development permit* means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

*Director of Community Development* means the city official having the primary responsibilities of administration and enforcement of the ~~tree protection ordinance.~~ Buildings, Land Development, Code Enforcement and Planning and Zoning Divisions. The term "Director of Community Development" may also be referred to as the development director, ~~planning director,~~ or the director.

*Director, EPD,* means the director of the Environmental Protection Division of the Department of Natural Resources.

*District* means the DeKalb County Soil and Water Conservation District.

*Division* means the Environmental Protection division of the Department of Natural Resources.

*Drainage* means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

*Drainage easement* means an easement appurtenant or attached to a tract or parcel of land allowing the owners of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

*Drainage plan* means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

*Drainage structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Drainage system* means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

*EPD* means the environmental protection division of the department of natural resources.

*Elevated building* means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.

*Exceptional and historical trees* means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 6, 1974.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Extended detention* means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

*Extreme flood protection* means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years.

*Fill* means a portion of land surface to which properly compacted soils have been added: The depth above the original ground surface or an excavation.

*Final stabilization* means that all soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures, as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

*Flood hazard map* means the current Federal Emergency Management Agency hazard map designating the elevation and boundaries of flooding and associated floodways under base flood conditions, any subsequent official flood hazard map adopted by the City, the United States Army Corps of Engineers or other reputable reports accepted by the Director, and based upon competent engineering studies prepared by a currently state-registered professional engineer, or the city.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.



*Floodplain* means any land area susceptible to flooding, which would have at least a one percent probability of a flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term "floor" does not include the floor of a garage used solely for parking vehicles.

*Footpath* means any unpaved, narrow and pervious trail in a stream buffer allowing for pedestrian travel.

*Frontage, lot* means the distance for which the front boundary line of the lot and the street line are coincident.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term "functionally dependent facility" does not include long-term storage, manufacture, sales, or service facilities.

*Georgia Stormwater Management Manual* is the manual adopted by the mayor and council that provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this chapter.

*Governing authority of the City of Stonecrest* means the city's mayor and council.

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

*Ground elevation* means the original elevation of the ground surface prior to cutting or filling.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

*Historic structure.* See chapter 13.5 of the DeKalb County Code.

*Impervious surface* means any surface that is highly resistant to infiltration by water, including, but not limited to, surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

*Infiltration* means the process of percolating stormwater runoff into the soil.

*Inspection and maintenance agreement* means a written agreement executed by an owner in a form approved by the director that will provide the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

*Intermediate regional flood (IRF)* means a 100-year frequency flood, as defined on the flood hazard map, which has a probability of occurring once every 100 years or having a one percent chance of being equaled or exceeded in any given year. Also known as the base flood, or 100-year flood.

*Intermediate regional floodplain* means the land area within the floodplain within a community subject to a one percent or greater chance of flooding in any given year, as defined on the flood hazard map. Also known as area of special flood hazard, or 100-year floodplain.

*Land-disturbing activity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices.

*Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

*Live detention* means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

*Local issuing authority (LIA)* means the governing authority of the City of Stonecrest.

*Local street* means a street used primarily for access to abutting properties in residential, industrial or other developments.

*Lot* means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately-owned, used, developed, or built upon.

*Lot, corner*, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot, double-frontage*, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

*Maintenance of detention facility* means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet devices and rectifying any unforeseen erosion problems.

*Major thoroughfare/major arterial* means a street, road or highway shown as a major thoroughfare in the thoroughfare plan.

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

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Metropolitan River Protection Act (MRPA)* means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

*Minor thoroughfare/minor arterial* means a street, road or highway shown as a minor thoroughfare in the thoroughfare plan.

*Multi-phase residential development* means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

*NOI* means a notice of intent form provided by EPD for coverage under the State General Permit.

*NOT* means a notice of termination form provided by EPD to terminate coverage under the State General Permit.

*National geodetic vertical datum (NGVD)*, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

*Natural ground surface* means the ground surface in its original state before any grading excavation or filling.

*Nephelometric turbidity units (NTUs)* means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

*New construction* means any structure for which the permitted date of construction commenced after adoption of this chapter.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

*Nonpoint source pollution* means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

*Nonstructural stormwater management practice or nonstructural practice* means any natural or planted vegetation or other nonstructural component and practice of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and, includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, vegetated channels and natural depressions.

*Off-site facility* means a stormwater management facility located outside the boundaries of the site.

*On-site facility* means a stormwater management facility located within the boundaries of the site.

*Open space* means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

*Operator* means the party or parties that have:

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

- (b) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Outfall* means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on-site, becomes a point source discharging into that receiving water.

*Overbank flood protection* means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

*Owner* means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant including a developer.

*Parcel* means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

*Permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

*Phase* or *phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

*Planning commission* means the planning commission of the City of Stonecrest.

*Post-development* refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of land development activity on a site as the context may require.

*Potential purchaser* means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

*Predevelopment* refers to the wooded conditions of a site.

*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.

*Properly designed* means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

*Protected zone* means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the Zoning Ordinance or by conditions of zoning or variance approval.

*Public facilities* shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

*Qualified personnel* means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

*Reach* means a longitudinal segment of a stream or river measured along specified points on the stream or river.

*Reasonable access* means a 15-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four sides of the stormwater management facility.

*Recreation areas* means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

*Recreational vehicle* means a vehicle that is:

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

*Recycled concrete aggregate* means clean concrete made up of previously used concrete construction material that has been cleaned and crushed for use in future construction projects.

*Redevelopment* means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

*Regional stormwater management facility or regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

*Residential* shall have the same meaning as given in chapter 27 except that it shall not include apartments.

*Riparian* means belonging or related to the bank of a river, stream, lake, pond or impoundment.

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

*Rock outcropping* means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than 200 square feet.

*Runoff* means the portion of precipitation on the land that reaches the drainage system.

*Runoff coefficient* means the ratio of runoff to rainfall.

*Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

*Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*Sedimentation facility* means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

*Sediment basin* means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

*Seller* means a builder or developer.

*Significant tree* means any existing, healthy, living tree eight inches DBH or greater in size.

*Site plan* means that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform with applicable provisions of this chapter and other applicable ordinances.

*Soil and Water Conservation District Approved Plan* means an erosion, sedimentation, and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

*Soil stabilizer* means construction material placed on the soil surface to add stability for future construction projects.

*SS & WCC* means the state soil and water conservation commission.

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

*Start of construction* includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*State* means the State of Georgia.

*State General Permit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and O.C.G.A. § 12-5-30(f).

*State Waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*Stormwater better site design* means nonstructural site design approach and technique that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

*Stormwater hotspot* means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of stormwater hotspots include, but are not limited to, the following: gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites, and industrial rooftops.

*Stormwater management facility* means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

*Stormwater management manual* means the Georgia Stormwater Management Manual.

*Stormwater management measure* means any stormwater management facility or nonstructural stormwater practice.

*Stormwater quality site development review tool* is an Excel spreadsheet tool available from the Georgia Stormwater Management Manual or website for use by both local government review staff and the development community to quickly evaluate the water quality performance of stormwater management plans for development sites. All new development and redevelopments in the City of Stonecrest use the stormwater quality site development review tool to facilitate the evaluation of the project in accordance with recommendations of this chapter and the Georgia Stormwater Management Manual.

*Stormwater retrofit* means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

*Streambank* means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

*Street, private*, means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in article III, division 3, Part B of this chapter.

*Street, public*, means any right-of-way set aside for public travel deeded to the city and any right-of-way that has been accepted for maintenance as a street by the city. Public streets shall also include any right-of-way deeded to DeKalb County that are part of the municipal street system and were located within the incorporated limits of the City prior to the incorporation of the City of Stonecrest.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and a street right-of-way.

*Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

*Structural Erosion, Sedimentation and Pollution Control Practices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

*Structural fill material* means construction material used to support structures or build up a piece of land or embankment.

*Structural stormwater control* means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

*Subdivision* means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds 50 percent of

the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. The term "substantial improvement" includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to ensure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a state inventory of historic places.

*Substantially improved existing manufactured home parks or subdivision* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*SWCD* means the Soil and Water Conservation District of DeKalb County.

*Thoroughfare plan* means a comprehensive street plan of the city indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets. The term "thoroughfare plan shall mean the DeKalb County Thoroughfare Plan in effect on the date of adoption of the ordinance from which this chapter is derived, including the 2014 Transportation Plan adopted by DeKalb County and the Map 1 DeKalb County Recommended Functional Classification, or any subsequent thoroughfare plan adopted by the City

*Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of two inches or more measured at a point six inches above the ground and which normally attains a height of at least ten feet at maturity usually with one main stem or trunk and many branches.

*Tree harvesting* means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the zoning board of appeals.

*Tree save area* means the boundaries of the area or areas surrounding trees wherein it is essential that they remain undisturbed in order to prevent damage and loss of trees that are to be retained on-site during the development and building process.

*Tree replacement* means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

*Trout streams* means all streams or portions of streams within the watershed as designated by the Wildlife Resources division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., in the rules and regulations for Water Quality Control, chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov).

*Trout waters, first order*, means streams into which no other streams flow except springs.

*Trout waters, primary*, means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

*Trout waters, secondary*, means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

*Used for* includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

*Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

*Vegetative Erosion and Sedimentation Control Measures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with: permanent seeding, sprigging or planting, producing long-term



vegetative cover; temporary seeding, producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Water quality protection* means the requirement that all developments must improve the quality of storm runoff from the development site.

*Watershed* means the land area that drains into a particular stream.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 2018-06-03, § 14-1, 6-3-2018)

## **Sec. 14-2. Conflicting provisions and private covenants.**

This chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship, provided that when the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this chapter shall govern. Further, where there is a conflict between any standard or requirement within this chapter, or between this chapter's standards and any other provision of the Code, the more restrictive standard or requirement shall apply.

(Ord. No. 2018-06-03, § 14-2, 6-3-2018)

## **Sec. 14-3. Transition.**

In the event that chapter 14 references a code, section, plan, or ordinance of DeKalb County that has not been adopted, amended, or developed by the City of Stonecrest, DeKalb County's version of the code, section, plan or ordinance in effect on the date of adoption of this chapter shall apply. Furthermore, nothing in this ordinance shall be deemed to impact any services being provided by DeKalb County during the transition period until such service is transferred to and accepted by the City. In the event that chapter 14 refers to a department or an official not yet created in the City of Stonecrest, the reference shall refer to the Director of his designee.

(Ord. No. 2018-06-03, § 14-3, 6-3-2018)

## **Secs. 14-4. —14-27. Reserved.**

# **ARTICLE II. ENVIRONMENTAL CONTROL**

**Sec. 14-28. Purposes.**

- (a) It is the purpose of this chapter to establish public policies for the protection of the natural environment and to establish requirements, standards and procedures for land development. The public policy objective of protecting the natural environment is to be achieved by:
  - (1) Regulating the alteration of land and topography.
  - (2) Regulating the removal and requiring the replacement of certain vegetation.
  - (3) Requiring erosion control and sedimentation control.
  - (4) Protecting streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation.
  - (5) Specifying standards for drainage system design.
  - (6) Assuring the continuous and efficient operation of the drainage system.
  - (7) Protecting the water quality within intermittent and perennial streams throughout the City.
- (b) It is the Mayor and Council's intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this chapter shall be reviewed by the City to enable a full exchange of information between the City and the applicant as to the City's public policies for land development. However, these policies shall not be used as a control or regulatory mechanism nor be construed as land development standards enforceable under applicable provisions of this chapter.
- (c) The Mayor and Council further declares its intent that these public policies be evaluated periodically so as to reflect the community's interests in protection of the natural environment and to give direction to city actions in matters affecting the natural environment and land development.

(Ord. No. 2018-06-03, § 14-28, 6-3-2018)

**Sec. 14-29. Scope and applicability.**

- (a) The provisions of this chapter shall apply to applicable development activity within the City.
- (b) Before filing a land development application on a project for review and approval, the applicant shall meet with the Department to discuss the procedure for approval of a land development permit and the requirements as to the general layout of streets, parking, open space/lot coverage, street improvements, drainage, sewage, fire protection and similar matters, as well as the availability of existing services, including schools. The Department and the applicant shall review the applicant's stormwater management plans, inspection and maintenance requirements and water quality control requirements. The Department may advise the applicant, when appropriate, to discuss the proposed project with those officials who must eventually approve those aspects of the project coming within their jurisdiction. This meeting will also allow City officials to discuss with the applicant the necessary regulations that will properly accomplish the project.

(Ord. No. 2018-06-03, § 14-29, 6-3-2018)

**Sec. 14-30. Reserved.**

(Ord. No. 2018-06-03, § 14-30, 6-3-2018)

### **Sec. 14-31. Administration and enforcement generally.**

The City shall administer and enforce the provisions of this chapter as follows:

- (a) The Director is designated to administer and enforce the grading, vegetation, erosion control, sedimentation control, drainage and water quality provisions of this article for all development and construction projects with the following duties and responsibilities:
  - (1) Review all development permits to ensure that the permit requirements of this chapter have been satisfied;
  - (2) Advise permittee when additional federal or state permits may be required, and if specific federal or state permits are known to be required, that copies of such permits be provided and maintained on file with the development permit; and
  - (3) Notify adjacent communities and the state Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) The Director shall administer and enforce those provisions of this chapter that apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The Director shall ensure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

(Ord. No. 2018-06-03, § 14-31, 6-3-2018)

### **Sec. 14-32. Inspection; right of entry.**

- (a) Upon presentation of city identification to the applicant, contractor, owner, owner's agent, operator or occupants, city employees may enter during all reasonable hours any property under proposed or existing development or construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with all ordinance provisions.
- (b) Reserved.
- (c) The Department, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this section. The warrant shall authorize the Director to conduct a search or inspection of property without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.
  - (1) Inspection warrants may be issued by the Municipal Court when all of the following conditions are met:
    - (A) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and
    - (B) The issuing judge determines that the issuance of the warrant is authorized by law.
  - (2) The inspection warrant shall be validly issued only if it meets all of the following requirements:
    - (A) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
    - (B) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the

owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection;

- (C) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
- (D) The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. No. 2018-06-03, § 14-32, 6-3-2018)

### **Sec. 14-33. Emergency maintenance operations.**

- (a) The Director or designee may conduct emergency maintenance operations on private land where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of Director create a condition potentially injurious to life, property and the public road system.
- (b) The provisions of article VI of this chapter shall not apply in the case of tree trimming, removal or cutting necessitated by emergencies such as floods, windstorms, ice storms or other disasters.
- (c) Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the City.

(Ord. No. 2018-06-03, § 14-33, 6-3-2018)

### **Sec. 14-34. Issuance of notice of violation; specification of time period for correction.**

- (a) *Notice of violation.* Whenever the Director determines that development activity or inactivity on a property does not comply with the approved development and construction plans, that approved and required erosion, sedimentation and pollution control facilities or devices have been altered, damaged or destroyed, or that any other activities violate the provisions of this chapter, the Director shall issue a notice of violation. Whenever the Director determines that the drainage system has been unlawfully altered, causing inadequate drainage, the Director shall issue a notice of violation. The provisions of this subsection (a) shall be in addition to any other penalty or notice provisions applicable to this chapter and shall not prevent the City from exercising any other notice or penalty provision. The Director may issue a court summons in lieu of a notice of violation. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this chapter and shall:
  - (1) Be in writing;
  - (2) Include a description of the property sufficient for identification of where the violation has occurred;
  - (3) List the specific provisions of this chapter which have been violated;
  - (4) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons shall be issued for the person, firm, corporation, owner, or owner's agent to appear in Municipal Court. However, the Director may issue a court summons in lieu of a notice of violation.
- (b) *Penalty.* It shall be unlawful for any person, firm or corporation to do anything prohibited or fail to do anything required by the provisions of this chapter, as they now exist or as they may hereafter be amended. Any person, firm or corporation that shall do anything prohibited or fail to do anything required by the provisions of this chapter, as they now exist or as they may hereafter be amended, upon conviction of a violation in Municipal Court shall be subject to a fine and/or imprisonment in accordance with the Code.

Where any offense or violation continues from day-to-day, each day's continuance thereof shall be deemed a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, engineer, contractor, or any other agent of the owner, or any tenant, who commits, or assists in the commission of any violation, shall be guilty of a separate offense.

(Ord. No. 2018-06-03, § 14-34, 6-3-2018)

### **Sec. 14-35. Variances.**

- (a) Except as further limited herein, an applicant may request a variance from the terms of the requirements of section 14-38, articles V-VIII of this chapter, and otherwise as permitted in this chapter. The Zoning Board of Appeals shall have the power to hear all variance requests. The Zoning Board of Appeals shall have no power to consider or to grant variances which are the responsibility of the Director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the Director of the EPD and the Zoning Board of Appeals, the Zoning Board of Appeals shall take no action on any such request for variance until the Director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the Director of the EPD and/or the Zoning Board of Appeals does not obligate the Director to permit the project to proceed if the project does not also meet all the other requirements of this chapter. No variance from the provisions of this chapter shall be authorized except as specifically authorized in this section or specifically authorized in another section of this chapter.
- (b) Applications for variances authorized in subsection (a) of this section shall be made in writing to the Director and shall contain all of those materials and documents required by the Director that are necessary to demonstrate that said request meets the criteria for granting variances. The Director must review the variance request and make a recommendation of approval or denial to the Zoning Board of Appeals. The applications shall be processed in accordance with the calendar adopted for variance decisions under chapter 27.
- (c) In considering a request for a variance to the terms of this article, article V, VI, VII, or VIII of this chapter, authorized in subsection (a) of this section, the Zoning Board of Appeals shall use all of the following criteria:
  - (1) The request, while not strictly meeting the requirements of this chapter, will in the judgment of the Zoning Board of Appeals be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the Zoning Board of Appeals shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
    - (i) Stream bank or soil stabilization;
    - (ii) Trapping of sediment in surface runoff;
    - (iii) Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
    - (iv) Terrestrial habitat, food chain, and migration corridor;
    - (v) Buffering of flood flows;
    - (vi) Infiltration of surface runoff;
    - (vii) Noise and visual buffers;
    - (viii) Downstream water quality; and
    - (ix) Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

- (2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.
- (3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.
- (4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as follows:
  - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a petition of review, in accordance with State law.
  - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent and the City of Stonecrest shall be designated the defendant. Service upon the City as defendant shall be as otherwise provided by law.

(Ord. No. 2018-06-03, § 14-35, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

#### **Sec. 14-36. Appeals from administrative officials.**

- (a) *Basis for appeal.* Whenever it is alleged by the applicant that there is error in any final order, requirement, or final decision made by an administrative official based on or made in the interpretation or enforcement of this chapter, the applicant, or any person or entity aggrieved by said administrative decision, shall have the right to appeal said final order, requirement or decision to the Zoning Board of Appeals.
- (b) *Initiation of appeal.* Appeals shall be made by filing with the Director an application for appeal specifying the grounds thereof, within 15 days after the action, determination, decision or order appealed from was taken.
- (c) *Appeal stays all legal proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals under the provisions of this article shall be as follows:
  - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a petition of review, in accordance with State law.
  - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent, and the City of Stonecrest shall be designated the defendant. Service upon the City as defendant shall be as otherwise provided by law.

(Ord. No. 2018-06-03, § 14-36, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

### **Sec. 14-37. Plan submission requirements.**

- (a) All site plans submitted in accordance with applicable provisions of this chapter shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the Director as to plan conformance with the public policy statements of this chapter.
- (b) All persons proposing developments, redevelopments or construction shall submit site plans to the Director illustrating the means by which conformance with policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.
- (c) Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the special flood hazard areas shall be submitted for review and approval in accordance with this chapter and other applicable provisions of the Code. Owners and developers of individual single-family lots shall be required to use best management practices to prevent sedimentation from leaving the site.
- (d) Grading, erosion control, sedimentation control, water quality control and drainage plans shall be prepared under the supervision of a currently state-registered professional engineer, forester or landscape architect, or combination as may be appropriate for project planning and design. Tree protection plans may be prepared by and implemented under the supervision of a currently state-registered professional architect, forester, landscape architect or engineer as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles for flood routing, super critical flow, high energy dissipation or conversion, backwater curves, floodplain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state-registered professional engineer proficient in hydrology.
- (e) Site plans and supporting documentation to show conformance with this chapter shall be submitted in accordance with the applicable provisions of chapter 27 and all conditions of zoning and shall include the following:
  - (1) Evidence of conformance with the requirements of this chapter for grading, vegetation alteration, erosion control, sedimentation control, water quality control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval at a minimum; golf courses and other open space areas shall be exempt from this requirement but general grading plans for golf courses and other open space areas shall be submitted. Water quality plans shall include the identification of existing wetland areas within the development site and shall demonstrate use of the stormwater quality site development review tool. Related plans shall show locations of structures, roads, surface drainage, existing and proposed drainage conduits, buffer areas, stream buffers, state buffer zones, and proposed alterations to the existing site;
  - (2) A hydrologic engineering analysis of stormwater runoff under pre-developed and post-developed site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. In determining downstream effects from stormwater management structures, BMPs, and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten percent of the total watershed. This analysis shall include a determination of the culvert, floodplain and channel cross-section area required to carry the affected runoff. The requirement for a complete hydrologic study may be waived in writing by the Director for any development where the site plan submitted illustrates predeveloped or proposed improvements sufficient to ensure compliance with applicable provisions of this chapter;

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- (3) Delineation of the boundaries, contour elevations and floodways of the special flood hazard areas for streams draining in excess of 100 acres. Unless shown on the flood hazard map, the special flood hazard areas shall be established by engineering field control surveys and then be added to the flood hazard map upon approval of the Director and be clearly designated on each site plan, subdivision plat and construction plan. The actual building site in relation to special flood hazard area boundaries shall be shown; the same information shall be indicated by the seller to the purchaser of each property so affected. The elevation contours representing the special flood hazard area conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining special flood hazard area elevations shall be established;
- (4) The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control, water quality control and drainage plans as related to other major items of construction;
- (5) Upon development project completion, location, size and invert elevations of piped segments of the storm drainage system, of control weirs, BMPs and water surface elevations and volumes in detention ponds shall be shown on the final plat for a subdivision, and on a final plan for other developments which shall be submitted to the Director prior to approval. The currently state-registered professional engineer, architect or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans. As-built elevation certifications prepared by currently state-registered land surveyors or currently state-registered professional engineers for all developments, including fill, allowed within a floodprone area, shall be submitted to the Director; and
- (6) A separate tree protection plan in conformance with the requirements of this chapter.

(Ord. No. 2018-06-03, § 14-37, 6-3-2018)

## **Sec. 14-38. Grading.**

- (a) *Policies.* It is hereby declared to be public policy to:
  - (1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas.
  - (2) Minimize the adverse effects of land clearance and grading upon existing vegetation.
  - (3) Minimize the adverse effects of land clearance and grading upon the drainage system by strict erosion control and sedimentation control measures.
  - (4) Minimize erosion and shear failure potential by encouraging limited cutting and filling.
- (b) *Standards.*
  - (1) All grading operations shall be conducted in compliance with the approved site plans.
  - (2) Before beginning construction activity, the floodplain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every 100 feet, and shall be identifiable throughout project development.
  - (3) Finish grade slopes on residential projects and lots shall not be steeper than three-to-one (3:1), unless absolutely impractical due to vegetation, topography, or soil conditions. Three-to-one (3:1) finish grade slopes shall transition to two-to-one (2:1) slopes at all perpendicular stream crossings.
  - (4) Large-scale general grading shall include installation of approved soil and erosion control measures and be limited to phases approved by the Director and completed prior to commencing building construction.



- (5) Prohibit grading and filling in floodplains, except for the construction and maintenance of perpendicular crossings of public utilities, drainage conveyances, roadways, sidewalks, and multi-purpose trails constructed in accordance with City of Stonecrest design standards and specifications. Any variance from the requirements of this section shall be in accordance with the requirements of section 14-35 and with the following requirements:
- a. If the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, the development permit shall be denied unless equivalent flow and storage capacity is replaced and maintained by the owner within the special flood hazard area. Altered sections of the special flood hazard area shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.
  - b. Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to 300 cubic yards per acre of floodplain area.
- (6) The burying, piling, or concealing in any way of construction waste is prohibited, except where permitted within an M-2 (Industrial) District, as defined in chapter 27 of this Code, and by a permit issued by the Georgia Department of Natural Resources, Environmental Protection division. No certificate of occupancy shall be issued by the City under chapter 7 of this Code until the applicant provides a written certification to the Director, accompanied by a landfill receipt, that proves that all construction waste has been removed from the property.
- (7) Grading must be performed to avoid the restrictions of drainage through drainageways and drainage easements. Grading must be performed to provide positive drainage to storm drainage inlets, swales, channels, ditches or gutters.
- (8) Fills must be placed in uniform layers not to exceed a compacted thickness of six inches per layer. In all areas where structures, parking lots and drives, streets, dams and utilities are to be places, fills must be compacted to a density of at least 95 percent of the maximum laboratory dry weight per cubic foot, as determined by ASTM D 698. All other fills must be compacted to at least 85 percent, except for the upper one foot of roadways, which must be compacted to 98 percent.
- (9) Fill dirt, permitted through the issuance of a separate land disturbance permit on any residentially-zoned property shall be limited to:
- a. A cumulative maximum of 1,000 cubic yards per property; and
  - b. No more than 20 trips per day, including trips to and from the permitted property.
- (10) Separate land disturbance permits issued under this subsection must be used only in accordance with the provisions of the zoning district on which the property is situated and its intent and not for any commercial purposes.

(Ord. No. 2018-06-03, § 14-38, 6-3-2018)

## **Sec. 14-39. Reserved.**

(Ord. No. 2018-06-03, § 14-39, 6-3-2018)

**Sec. 14-40. Groundwater recharge area.**

Development within groundwater recharge areas, as delineated by the Georgia Department of Natural Resources' (DNR) Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the DNR's Pollution Susceptibility Map, shall meet the criteria for the protection of groundwater recharge areas established in chapter 391-3-16-.02 of the DNR's Rules for Environmental Planning Criteria.

(Ord. No. 2018-06-03, § 14-40, 6-3-2018)

**Secs. 14-41—14-54. Reserved.****ARTICLE III. SUBDIVISIONS*****DIVISION 1. GENERALLY*****Sec. 14-55. Title.**

This article shall be known, cited, and referred to as the subdivision regulations of the City of Stonecrest.

(Ord. No. 2018-06-03, § 14-55, 6-3-2018)

**Sec. 14-56. Effective date.**

These subdivision regulations shall become effective on adoption.

(Ord. No. 2018-06-03, § 14-56, 6-3-2018)

**Sec. 14-57. Policies and purposes.****(a) Policies.**

- (1) It is declared to be the policy of the City of Stonecrest to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city's official comprehensive plan in order to promote the orderly, planned, efficient, and economical development of the city.
- (2) The applicant shall indicate that land to be subdivided shall be For Sale or For Rent or a combination thereof. It shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and official maps and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan, and official map and land use plan.

**(b) These regulations are adopted for the following purposes:**

- (1) To protect and provide for the public health, safety, and general welfare of the City of Stonecrest.
- (2) To guide the future growth and development of the city in accordance with the comprehensive plan.

- (3) To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.
- (4) To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities.
- (5) To provide for the safe and efficient circulation of traffic throughout the city, having particular regard to avoidance of congestion in the streets and highways and the pedestrians and bicycle traffic movements appropriate to the various uses of lands and buildings, and to provide for the proper location and width of streets and building lines.
- (6) To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (7) To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (8) To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.
- (9) To protect and restore the highest quality of the city's air and water resources; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.
- (10) To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

(Ord. No. 2018-06-03, § 14-57, 6-3-2018; Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

#### **Sec. 14-58. Public purpose.**

Regulation of the subdivision of land and the attachment of reasonable regulations to land subdivision is an exercise of valid police power delegated by the state to this city. A developer of land has the duty of compliance with the regulations set forth herein for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at-large.

(Ord. No. 2018-06-03, § 14-58, 6-3-2018)

#### **Sec. 14-59. Interpretation.**

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Any conflict between provisions should be resolved in the way that best serves the purposes of the regulations.

(Ord. No. 2018-06-03, § 14-59, 6-3-2018)

**Sec. 14-60. Scope and applicability.**

These regulations shall apply to all subdivision and combination of land located within the City of Stonecrest as may be provided by law.

(Ord. No. 2018-06-03, § 14-60, 6-3-2018)

**Sec. 14-61. Exemptions.**

This article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of the city prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.

(Ord. No. 2018-06-03, § 14-61, 6-3-2018)

**Sec. 14-62. Plats not to be recorded until accepted; lots not to be sold in unaccepted subdivision.**

No person shall record any subdivision plat until it has been approved as a final plat and accepted by the mayor, as the governing authority's designee, nor shall any lot be sold by reference to any subdivision plat whether recorded or not, if the plat is made after the effective date of the ordinance from which this chapter is derived, unless it shall have been approved and accepted by the mayor as a final plat. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

(Ord. No. 2018-06-03, § 14-62, 6-3-2018)

**Sec. 14-63. Issuance of building permits and certificates of occupancy; extension of services.**

No development permit, building permit, or certificate of occupancy shall be issued for a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to extend services to any parcel created in violation of these regulations.

(Ord. No. 2018-06-03, § 14-63, 6-3-2018)

**Sec. 14-64. Criteria to be used in deciding variances, and appeals.**

- (a) The Board of Zoning Appeals shall hear and decide applications for variances from the strict application of this article where strict application of any regulation enacted in division 3 of article III of this chapter would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements for subdivisions in City of Stonecrest; thus, variances from the requirements of division 3 of article III of this chapter shall be authorized only upon consideration of all of the following findings:
  - (1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of division 3 of article III of this chapter would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

- (2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
  - (3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
  - (4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
  - (5) The requested variance will not in any manner vary the provisions of chapter 27, the City of Stonecrest Comprehensive Plan or the zoning map of the City of Stonecrest.
- (b) No variance shall be granted to:
- (1) Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the mayor and city council;
  - (2) Increase the density allowed on the property; or
  - (3) Vary the requirements set forth in sections 14-256 through 14-260.

(Ord. No. 2018-06-03, § 14-64, 6-3-2018)

#### **Sec. 14-65. Enforcement, violations, and penalties.**

- (a) *General.* It shall be the duty of the Director to enforce this chapter.
- (b) *Violations and penalties.* Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in chapter 1 of the Code of the City of Stonecrest. Each violation of these regulations shall be considered a separate offense. The owner of any structures, buildings, lots or parcels or parts thereof, where anything in violation of these regulations exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (c) *Enforcement.* Appropriate actions and proceedings, including the issuance of stop work orders and actions in a court of law, may be taken by City of Stonecrest in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

(Ord. No. 2018-06-03, § 14-65, 6-3-2018)

#### **Secs. 14-66—14-83. Reserved.**

### ***DIVISION 2. PLAT APPROVAL PROCEDURE***

#### **Part A. Minor Plat**

**Sec. 14-84. Minor plats.**

- (1). A minor plat shall consist of the combination or division of two lots.
- (2). A minor plat may be either a minor combination plat (combining two lots into one), or a minor subdivision plat (dividing one lot into two).

(Ord. No. 2018-06-03, § 14-84, 6-3-2018)

**Sec. 14-85. Minor plat approval procedures.**

- (1). The Director may approve a minor plat that meets the requirements of this chapter administratively.
- (2). An applicant for a minor plat may submit an application and a preliminary plat for review to the Director. The minor plat must meet the requirements for a preliminary plat, as defined in Part C of this division, and must be designed in accordance with the design standards and requirements of this chapter. After the receipt of a completed application and preliminary plat, the Director shall either approve or deny the minor plat within 60 days. A preliminary plat must be approved prior to the issuance of a building permit or land disturbance permit. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat, as defined in Part D of this division.
- (4). The Director shall approve or deny the final plat within 30 days of receiving a final plat. After approval, the Director shall forward the final plat to the mayor for certification. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (5). Notwithstanding, a proposed minor subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system must be submitted and approved by the Planning Commission using the same procedures as a major plat. The planning commission shall then submit said plats pursuant to O.C.G.A. § 32-6-151 and other applicable state law.

(Ord. No. 2018-06-03, § 14-85, 6-3-2018)

**Part B. Major Plats****Sec. 14-86. Major plats.**

- (1). A major plat shall consist of the combination or division of three or more lots.
- (2). A major plat may be either a major combination plat (combining three or more lots into one), or a major subdivision plat (dividing one lot into three or more lots).

(Ord. No. 2018-06-03, § 14-86, 6-3-2018)

**Sec. 14-87. Major plat approval general procedures.**

- (1). Applicants for a major plat must submit an application and a preliminary plat for approval prior to the issuance of a building permit or a land disturbance permit. The minor plat must meet the requirements for a

preliminary plat, as defined in Part C of this division, and must be designed in accordance with the design standards and requirements of this chapter.

- (2). The Director shall review the preliminary plat within 90 days of a complete application and preliminary plat. The preliminary plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. Appeals from Director's certification or refusal to certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials. The City Council shall vote to approve, deny, or defer the preliminary plat based on its compliance with this chapter.
- (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat for final approval and certification prior to recording. The final plat must meet the requirements for a final plat, as defined in Part D of this division, and must be designed in accordance with the design standards and requirements of this chapter. The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director shall review the final plat within 90 days of a complete application and final plat. Appeals from Director's certification or refusal to certify the final plat shall be to the Board of Zoning Appeals pursuant to appeals for administrative officials.
- (4). The City Council shall vote to approve, deny, or defer the final plat based on its compliance with this chapter.
- (5). A major subdivision plat which includes or abuts any part of the state highway system or requires access to the state highway system shall be submitted pursuant to O.C.G.A. § 32-6-151 and other applicable state law after approval by the Planning Commission.

(Ord. No. 2018-06-03, § 14-87, 6-3-2018)

## **Part C. Preliminary Plat**

### **Sec. 14-88. Application and preliminary plat required for all minor plats and major plats.**

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

- (1) Be submitted with the plan set for a Land Disturbance Permit;
- (2) Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;
- (3) Be accompanied by an application fee in the amount set by the mayor and city council;
- (4) Be accompanied by a tree survey;
- (5) Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;
- (6) Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;
- (7) Be accompanied with a consent affidavit from the property owner;
- (8) Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;

- (9) Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;
- (10) Include the names of adjoining property owners and the zoning classifications of adjacent properties;
- (11) Include the name, address and phone of developer and engineer;
- (12) Be accompanied by a certification by the applicant that no lots platted are nonconforming or will result in any nonconforming lots;
- (13) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and
- (14) Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)

### **Sec. 14-89. Required information.**

- (a) The following existing conditions shall be shown on a preliminary plat:
  - (1) *Boundary lines.* Perimeter boundary of the overall tract, bearings and distances, referred the legal point of beginning;
  - (2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;
  - (3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals. The source of this data shall be written on the plat;
  - (4) *Tree survey.* A tree survey in compliance with this chapter or tree sample calculations where allowed by the Director which may be submitted as a separate plan;
  - (5) *Historic resources.* Any building, structure, site or district identified as historic by the Historic Preservation Commission, the DeKalb County Historic Resources Survey, the comprehensive plan, by listing on the Georgia or National Register of Historic Places, or by listing as a National Historic Landmark.
  - (6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state waters, cemeteries, wetlands, existing structures, intermediate regional floodplain boundary (where available), rock outcroppings, and archeological resources;
  - (7) *Soils.* Location of soils as shown on the National Resources Conservation Service Soil Map, by the United States Department of Agriculture's soil map, or any map designated by the Director;
  - (8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district numbers and lines, city and city names and limit lines;
  - (9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing any of the land shown on the plat;
  - (10) *Zoning district.* Show zoning district, case number and conditions of zoning;
  - (11) *Permits.* Show any special administrative permit number, special land use permit number, or board of appeals case number and conditions;
  - (12) *Variances.* Show any variance approvals;
  - (13) *Septic tanks.* Show existing septic tank and drain field location or note absence;



- (14) *Sewers*. Show size and location of sanitary sewer mains available;
  - (15) *Sewer easements*. Show a sanitary sewer easement with a minimum width of 15 feet of for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;
  - (16) *Water mains*. Show size and location of water mains and fire hydrants;
  - (17) *Water main easements*. Show a water main easement with a minimum width of 15 feet for all county maintained lines not within right-of-way, or as required by DeKalb County;
  - (18) *IRF*. Show on plan whether FEMA or city benchmark used to establish IRF also identify location of Benchmark;
  - (19) *Wetlands*. Provide wetlands determination from U.S. Army corps of engineers;
  - (20) *Receiving waters*. Provide distance to and name of receiving waters;
  - (21) *Bury pits*. Show location of any existing inert waste bury pits.
- (b) The following proposed features shall be shown on the preliminary plat:
- (1) *Title*. The title under which the proposed subdivision is to be recorded, if known, with the name of the property owners and designers and the date of the plat;
  - (2) *Street names*. The name of all proposed streets.
  - (3) *Rights-of-way*. Street rights-of-way and widths indicated, including any necessary right-of-way required for improvements;
  - (4) *Sidewalks*. All proposed sidewalk and bike lane locations;
  - (5) *Lots*. Lot lines, lot numbers, block letters, and the total number of proposed lots within the development;
  - (6) *Dedications*. Sites, if any, to be dedicated or reserved for common areas, public parks, open space, schools, playgrounds, multi-use trails, or other public uses, together with the purpose and the conditions or limitations of these dedications, if any;
  - (7) *Yards*. Minimum building setback lines as required under the yard requirements of zoning ordinance;
  - (8) *Zoning conditions*. All conditions of zoning and existing and proposed deed restrictions shall be recited on the preliminary plat;
  - (9) *Corner lots*. Show that corner lots shall have an extra width of not less than 15 feet more than required for interior lots for the zoning district within which they are located;
  - (10) *Transitional buffers*. Show transitional buffers, if any and any required screening fencing;
  - (11) *BMPs*. Show conceptual location of stormwater management and water quality BMP facilities on preliminary plat;
  - (12) *IRF*. Show proposed IRF contour, spot elevation (if available) and source;
  - (13) *Covenants*. Indicate whether the proposed subdivision will be subject to private covenants and whether a homeowner association will be established;
  - (14) *Sewer easements*. Show a sanitary sewer easement with a minimum width of 15 feet for all county maintained lines not within county or city right-of-way, or as required by DeKalb County;
  - (15) *Water main easements*. Show a water main easement with a minimum width of 15 feet for all county maintained lines not within right-of-way, or as required by DeKalb County;
  - (16) *Fire hydrants*. Show new fire hydrants and eight-inch firelines;

- (17) *Fencing*. Show any required fencing around detention ponds, if required; and
  - (18) *Electrical service*. Show whether electrical service will be above ground or underground.
  - (c) The following additional information shall be shown on the preliminary plat:
    - (1) *Seal*. All sheets of plats must be sealed by a professional engineer, surveyor, or landscape architect currently registered in the state of Georgia;
    - (2) Space for Comments and Certification in accordance with this article; and
    - (3) Surveyor's Acknowledgement and Owner's Acknowledgement in accordance with this article.
- (Ord. No. 2018-06-03, § 14-89, 6-3-2018)

#### **Sec. 14-90. Space for comments, certifications.**

A blank space of 50 square inches shall be provided on the plat to allow room for any stamps, notes, approvals or denials as required to be placed thereon by county and city agencies and for certification.

(Ord. No. 2018-06-03, § 14-90, 6-3-2018)

#### **Sec. 14-91. Scale.**

Preliminary plats shall be prepared at an appropriate scale of not more than 100 feet to one inch. Maximum sheet size shall be 24 inches by 36 inches.

(Ord. No. 2018-06-03, § 14-91, 6-3-2018)

#### **Secs. 14-92—14-120. Reserved.**

### **Part D. Final Plat**

#### **Sec. 14-121. Preparation.**

The applicant shall have a registered surveyor prepare the final plat of the subdivision, including the space required under section 14-90. An application for final plat approval may be made when a preliminary plat of the proposed subdivision has been approved and construction of all required infrastructure is complete, or a surety is provided as approved by the Director of Community Development, to ascertain its location as built.

(Ord. No. 2018-06-03, § 14-121, 6-3-2018)

#### **Sec. 14-121.1. Surveyor's and owner's acknowledgments.**

The following wording for the engineer's (surveyor's) and owner's acknowledgments shall be shown and certified on the plat:

- (1) *Surveyor's Acknowledgment*.

"In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

\_\_\_\_\_ R.L.S. No. \_\_\_\_\_ "

(2) *Owner's Acknowledgment.*

"I, \_\_\_\_\_, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all rights-of-way abutting the roads to the City of Stonecrest, and further dedicate to the use of the public forever all streets and rights-of-way, alleys, parks, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

In witness whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_,  
\_\_\_\_/\_\_\_\_/\_\_\_\_.

(SEAL)

(Owner) \_\_\_\_\_

Witness: \_\_\_\_\_

Notary Public."

(Ord. No. 2018-06-03, § 14-121.1, 6-3-2018)

**Sec. 14-122. Filing; digital submission of final plat; fee.**

The final plat and a fee in the amount established by the mayor and city council shall be filed with the city. The final plat and as-built drawings shall also be submitted in a digital format acceptable to the city. The final plat must be in recordable form and comply with O.C.G.A. § 15-6-67, including the required data listed in O.C.G.A. § 15-6-67(c)(2) and (3).

(Ord. No. 2018-06-03, § 14-122, 6-3-2018)

**Sec. 14-123. Review, certification by city departments.**

- (a) Upon receipt of the final plat, the Director of Community Development shall forward copies of the final plat to any department or entity the Director of Community Development deems appropriate for certification that the improvements are complete and in conformity with the preliminary plat.

- (b) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management.
- (c) Any department to which the final plat is submitted shall note on the plat whether the development meets or fails to meet the requirements of this Code and of that department, specifically, whether all improvements were properly completed and whether the improvements are in conformity with the preliminary plat. If the improvements are incomplete or if the improvements are not in conformity with the preliminary plat, the department shall note on the plat the manner in which the plat fails to meet these requirements. Minor changes shall be permitted, as defined in section 14-146(c).
- (d) Upon receipt of the annotated copies from all of the departments which received the final plat for notation, the Director of Community Development shall independently review the final plat and determine whether it complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws. The Director of Community Development shall certify in writing on the final plat their finding of whether the final plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws and forward it to the City Council for review.
- (e) The final plat shall conform to the approved preliminary plat on file with the city and shall comply with the city zoning ordinance including conditions of zoning. Minor changes from the preliminary plat shall be permitted, as defined in section 14-146(c).
- (f) The final plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws.
- (Ord. No. 2018-06-03, § 14-123, 6-3-2018)

#### **Sec. 14-124. Referral to the mayor and council.**

- (b) The mayor and council as the designee for the governing authority of the city shall approve or disapprove the final plat. If the final plat is approved, the mayor and council shall place the following wording on the original as follows:

"This plat has been submitted to and accepted by the mayor and council of the City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.

Dated this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_, \_\_\_\_/\_\_\_\_/\_\_\_\_.

By: [Mayor as designee of governing authority]"	
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- (c) Final plat acknowledgement and approval by the mayor and council shall constitute that approval, if any, required in order to file subdivision plats with the clerk of the superior court of DeKalb County pursuant to O.C.G.A. § 15-6-67(d).

(Ord. No. 2018-06-03, § 14-124, 6-3-2018)

#### **Sec. 14-125. Appeal of final plat decision.**

The decision of the mayor to approve or disapprove the final plat may be appealed only by a petition for petition of review to the Superior Court of DeKalb County.

(Ord. No. 2018-06-03, § 14-125, 6-3-2018; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

**Sec. 14-126. Recording.**

The approved final plat shall be recorded with the clerk of the superior court of DeKalb County by the applicant and returned to the Director of Community Development.

(Ord. No. 2018-06-03, § 14-126, 6-3-2018)

**Sec. 14-127. Dedication offers.**

The filing and recording of the final plat by the Director of Community Development shall, upon completion of the improvements by the applicant and compliance with all procedures of this chapter, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat as dedicated to the City of Stonecrest, Georgia, on behalf of the public.

(Ord. No. 2018-06-03, § 14-127, 6-3-2018)

**Sec. 14-128. Reserved.**

(Ord. No. 2018-06-03, § 14-128, 6-3-2018)

**Sec. 14-129. Scale.**

Final plats shall be prepared at a scale of not more than 100 feet to one inch and shall have a maximum sheet size of not more than 24 inches in width and 36 inches in length, and a minimum sheet size of not less than 17 inches in width and 21 inches in length.

(Ord. No. 2018-06-03, § 14-129, 6-3-2018)

**Sec. 14-130. Compliance with zoning ordinance.**

The final plat shall comply with the requirements of chapter 27 and all conditions of zoning for the subject property to be shown in the upper right corner of the final plat with text height at a minimum of 0.18 inches for 24 inches by 36 inches sheet size and 0.09 inches for 17 inches by 21 inches sheet size.

(Ord. No. 2018-06-03, § 14-130, 6-3-2018)

**Sec. 14-131. Required information.**

The final plat shall show the following:

- (1) Sufficient data to determine readily and reproduce on the ground the location, bearings and lengths of every right-of-way, street line, lot line, boundary line and building line, whether curved or straight;
- (2) Tract boundary lines, land lot and district lines, city and county limit lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites;
- (3) All dimensions shall be accurate to the nearest one-hundredth of a foot and all angles accurate to the nearest second;

- (4) Name and right-of-way width of each street including necessary right-of-way required for present or future widening of major, minor, collector, residential or other streets as shown on the thoroughfare plan;
- (5) Sidewalk and bike path locations and width;
- (6) House numbers: numbers will be assigned by the geographic information system department and placed on the final plat by the community development department;
- (7) Title, north arrow, date, scale, land lot numbers and district numbers;
- (8) Location, dimensions and purpose of easements and areas to be dedicated to public use, common areas or sites for other than residential use with notices stating their purpose and limitations;
- (9) Intermediate regional floodplain contour line and setback line required by this chapter, state waters/state streams, wetlands, and required stream buffers;
- (10) Water and sewer utility locations, and the location and type of permanent stormwater management facilities and water quality facilities;
- (11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block numerals shall be kept in a uniform sequence on all plats and units of the subdivision;
- (12) Accurate location, material and description of monuments and markers; within each subdivision set one monument on two front corners of the property adjacent to existing rights-of-way on interior streets, or as otherwise approved by the development director; each monument shall be a minimum four-inch-diameter disk by 24-inch-high concrete monument with brass caps set flush with finished grade;
- (13) Lots which shall not be built upon until detailed plans for grading and drainage have been approved by the development director; and
- (14) All required data and certifications under O.C.G.A. § 15-6-67.

(Ord. No. 2018-06-03, § 14-131, 6-3-2018)

#### **Sec. 14-134. Protective covenants to meet minimum zoning requirements.**

The final plat shall not contain protective covenants stipulating lower standards than the minimum restrictions required by the city zoning ordinance.

(Ord. No. 2018-06-03, § 14-134, 6-3-2018)

#### **Sec. 14-135. Disclosure statement required for residential subdivisions and multi-phase residential developments.**

- (a) Before any final plat for any residential subdivision and any multi-phase residential development, may be submitted for review by the city, a disclosure statement, sworn to by the applicant under penalty of perjury before a notary public or other officer authorized to administer oaths, must be filed with the Director of Community Development. The disclosure statement shall be in a form promulgated by the Director of Community Development and approved by the city attorney.
- (b) Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multi-phase residential development must submit the information specified herein on the disclosure statement which shall be made available to members of the public by the Director of Community Development:

- (1) An estimated date of completion of the entire residential subdivision;
  - (2) A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e., brick, stone, stucco, pressboard, etc.), and the average size of lots;
  - (3) A statement of the applicant's commitment to build any community amenities within the subdivision, including, but not limited to, a clubhouse, tennis courts or swimming pool;
  - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision;
  - (5) Copies of all forms of conveyance to be used in selling lots to potential purchasers;
  - (6) A statement of all deed restrictions, easements and covenants applicable to the residential subdivision;
  - (7) Copies of instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision;
  - (8) A statement regarding whether there will be a mandatory membership in any homeowner association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer; and
  - (9) An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner association governing the residential subdivision.
- (c) With respect to the first phase and subsequent phases of a multi-phase residential development, the applicant must also submit the following information:
- (1) An estimated date of completion of each phase of a multi-phase residential development and estimated date of completion of all phases of the development;
  - (2) A statement of the average size of homes to be constructed in the future phases of the development, any specified type of architecture, landscaping, the type of construction materials to be used (i.e., brick, stone, stucco, pressboard, etc.), and the average size of lots;
  - (3) A statement of any community amenities to be built within the development currently or in the future, including, but not limited to, a clubhouse, tennis courts or swimming pools the applicant is committed to constructing in future phases; and
  - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the future phases of the development.
- (d) If the applicant intends to make no representations or commitments to potential purchasers concerning each of the representations set forth in subsections (b) and (c) of this section, the applicant shall note the same in the disclosure statement filed with the Director of Community Development which statement shall be made available by the Director of Community Development to the public.
- (e) After the required disclosure statement has been submitted, the Director of Community Development shall examine the information provided and determine whether the information submitted is consistent with the final plat and if the information is consistent, the Director of Community Development shall approve the disclosure statement in writing within 35 days of submission of the statement.
- (f) If it appears to the Director of Community Development that a disclosure statement is incomplete or fraudulent, the Director of Community Development shall disapprove the disclosure statement and notify the applicant for the final plat in writing within 14 days after the initial submission of the statement. Such notification shall serve to suspend the review of the final plat by any city employee or official until the

applicant files such additional information, as the Director of Community Development shall require. No final plat may be certified by the Director of Community Development until such time as the Director of Community Development approves the applicant's disclosure statement.

- (g) If at any time after approval of the disclosure statement the Director of Community Development becomes aware that the disclosure statement contains false or misleading information, or that the applicant is developing in a manner inconsistent with the approved disclosure statement, the Director of Community Development shall disapprove the disclosure statement and notify the applicant in writing that the disclosure statement has been disapproved.
- (h) Subsequent to the recording of the final plat for a residential subdivision and for each phase of a multi-phase residential development, the approved disclosure statement on file with the city shall be provided by any seller to potential purchasers at the execution of the purchase and sales contract or if no such contract is executed, ten days prior to the real estate closing on any property governed by this section.

(Ord. No. 2018-06-03, § 14-135, 6-3-2018)

### **Sec. 14-136. Violations.**

It shall be unlawful for any person to sell property in a residential subdivision or a multi-phase residential development without providing a potential purchaser with a copy of an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to provide the Director of Community Development with false or misleading information in an approved disclosure statement as required by section 14-135. It shall be unlawful for any person to develop in a manner inconsistent with the approved disclosure statement. Any person, firm or corporation convicted of violating this section shall be subject to fine and/or imprisonment in accordance with chapter 1 of this Code.

(Ord. No. 2018-06-03, § 14-136, 6-3-2018)

### **Secs. 14-137—14-145. Reserved.**

## **Part E. Revised Final Plat**

### **Sec. 14-146. Procedure.**

- (a) The original recorded plat shall be used for all revisions.
- (b) When it becomes necessary to revise an original recorded final plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Community Development to determine if the revision is a minor or major revision. The applicant's surveyor shall make the necessary corrections on the original final plat or prepare a new tracing of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. If the original final plat is not available, then any proposed revision to the final plat shall be considered a major change.
- (c) A minor change is one that corrects a drafting or scrivener's error, changes or moves a lot line while not changing the number of lots or site density or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. A major change is any other change, including changes that alter how the subdivision will be developed or built, such as, but not limited to, increasing or decreasing the number of lots, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.



- (d) If the Director of Community Development determines the change is minor, then the Director of Community Development will approve and accept the revised final plat; the applicant shall record the revised final plat with the clerk of superior court.
- (e) If the Director of Community Development determines the change is major, the revised plat must proceed through the approval process for final plats described in this Code.
- (f) The basis for the Director of Community Development's characterization of the change as either major or minor shall be recorded in black ink on the revised plat.

(Ord. No. 2018-06-03, § 14-146, 6-3-2018)

#### **Sec. 14-147. When new tracing required.**

If the original final plat is not available, the applicant shall prepare a new Mylar or other durable, stable, and reproducible drafting medium approved by the community development department, in accordance with section 14-146(b) above.

(Ord. No. 2018-06-03, § 14-147, 6-3-2018)

#### **Sec. 14-148. Revisions and explanation to be in black ink.**

Revisions and a notation explaining the revisions shall be shown in black ink on the revised plat.

(Ord. No. 2018-06-03, § 14-148, 6-3-2018)

#### **Sec. 14-149. Space for certifications.**

A blank space consisting of not less than 50 square inches shall be provided on the revised plat to accommodate required certifications.

(Ord. No. 2018-06-03, § 14-149, 6-3-2018)

#### **Sec. 14-150. Scale.**

Revised plats shall be prepared at a scale of not less than 50 feet to one inch.

(Ord. No. 2018-06-03, § 14-150, 6-3-2018)

#### **Sec. 14-151. Compliance with zoning ordinance.**

The revised plat shall comply with the regulations of the city zoning ordinance, including all conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

(Ord. No. 2018-06-03, § 14-151, 6-3-2018)

#### **Sec. 14-152. Inclusion of required wording.**

The revised plat shall show the following wording in black ink:

"This revised plat has been submitted to the mayor and council of the City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in

the superior court of this circuit. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_/\_\_\_\_/\_\_\_\_

Mayor City of Stonecrest, Georgia"	
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(Ord. No. 2018-06-03, § 14-152, 6-3-2018)

### **Sec. 14-153. Original protective covenants not to be changed.**

All revisions to original plats shall be bound by the protective covenants on the original final plat and a statement to that effect shall be noted in black ink on the revised plat unless noted otherwise.

(Ord. No. 2018-06-03, § 14-153, 6-3-2018)

### **Sec. 14-154. City may require additional data.**

Other data which may be required in support of a revised final plat are a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements, or dedications as may be required by city officials in the enforcement of this chapter.

(Ord. No. 2018-06-03, § 14-154, 6-3-2018)

### **Secs. 14-155—14-165. Reserved.**

## *DIVISION 3. DESIGN STANDARDS*

### **Part A. General Provisions**

### **Sec. 14-166. Adequate public facilities.**

The applicant shall submit sufficient information and data with the application on the proposed subdivision to demonstrate compliance with the following:

- (1) *Comprehensive plan consistency required.* Proposed public improvements shall conform to and be properly related to the City of Stonecrest Comprehensive Plan and all applicable capital improvement plans.
- (2) *Water.* All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- (3) *Wastewater.* All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
- (4) *Stormwater management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding as required under this chapter. Stormwater quality management facilities shall be adequate as required under this

chapter. The City of Stonecrest or the reviewing government entity or designee may require the use of control methods such as retention or detention, and or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

- (5) *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, shall be properly related to the comprehensive plan, and shall be appropriate for the particular traffic characteristics of each proposed development.
- (6) *Extension policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.

(Ord. No. 2018-06-03, § 14-166, 6-3-2018)

### **Sec. 14-167. Conservation of natural resources.**

- (a) To better implement the policies and purposes of this chapter, to protect the health, safety, and welfare of the citizens of the City of Stonecrest and to minimize the negative environmental effects of development, subdivisions shall be designed and developed to avoid areas of environmental sensitivity. The following land areas shall be preserved in their natural state or not subject to any development or land disturbance activity, and shall not be part of the buildable area:
  - (1) Wetlands; and
  - (2) The intermediate regional floodplain.
- (b) Subdivisions shall be also laid out to:
  - (1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;
  - (2) Minimize cut and fill;
  - (3) Minimize impervious cover and the environmental impacts of roads and access points;
  - (4) Minimize flooding; and
  - (5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- (c) The Director of Community Development shall not recommend approval for a preliminary plat or parts thereof if the director determines that:
  - (1) The areas listed in subsection (a) of this section have not been set aside and protected from development;
  - (2) The proposed subdivision does not comply with the requirements of subsection (b) of this section; or
  - (3) If the proposed subdivision is not in the best interest of the public health, safety, and general welfare of the city.

(Ord. No. 2018-06-03, § 14-167, 6-3-2018)

### **Secs. 14-168—14-180. Reserved.**

## **Part B. Streets**

**Sec. 14-181. Generally.**

- (a) The provisions of this part apply to streets in subdivisions and in other projects requiring a development or land disturbance permit from City of Stonecrest.
- (b) The arrangement, character, extent, width, grade and location of all subdivision streets shall conform to the provisions of this chapter and to the thoroughfare plan. New streets shall be designed and located with consideration of their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed uses of the land to be served by the streets.

(Ord. No. 2018-06-03, § 14-181, 6-3-2018)

**Sec. 14-182. Arrangement where not shown on thoroughfare plan.**

Where not shown in a thoroughfare plan adopted by the City, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- (2) Conform to a plan for a neighborhood approved or adopted by the mayor and city council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(Ord. No. 2018-06-03, § 14-182, 6-3-2018)

**Sec. 14-183. Minor streets/minor arterials.**

- (a) Local residential streets shall be so designed to discourage speeding and encourage safe environment for pedestrians and bicyclists. They shall be designed to discourage high speed through traffic.
- (b) Within historic districts, the platting of lots and streets shall be compatible with the historic patterns that exist within the historic district except for numbered state or federal routes.

(Ord. No. 2018-06-03, § 14-183, 6-3-2018)

**Sec. 14-184. Thoroughfare plan.**

The Director of Community Development shall review changes in the patterns of traffic, land development, and subdivisions, and prepare a report to the mayor and city council with recommendations concerning appropriate revisions to the thoroughfare plan. Such review shall:

- (1) Ensure safe and efficient access between neighborhoods and local services;
- (2) Ensure the continuity and adequacy of local streets, collector streets and arterial streets to form a coherent and continuous system of routes;
- (3) Identify applications of appropriate traffic calming and traffic management strategies to discourage unnecessary traffic and travel speeds in neighborhoods; and
- (4) Ensure a coherent and continuous system for pedestrian and bicycle travel.

(Ord. No. 2018-06-03, § 14-184, 6-3-2018)

**Sec. 14-185. subdivisions bordering on or containing arterial streets, railroad right-of-way or limited-access highway right-of-way.**

Where a subdivision borders on or contains an arterial street (major thoroughfares, and minor thoroughfares), a railroad right-of-way or limited-access highway right-of-way, the Director of Community Development may require the following:

- (1) Rear service alleys to facilitate traffic flow, safety and public services;
- (2) Provision of one or a pair of smaller marginal access streets approximately parallel to and on each side of this right-of-way at a distance suitable for the appropriate use of the intervening land as park or open space and to provide for multipurpose trails. These distances shall also be determined with due regard for the requirements of approach grades and future grade separations; or
- (3) In the case of limited-access highways only, reverse frontage lots may be created with landscape buffers and a non-access reserve strip along the rear property line.

(Ord. No. 2018-06-03, § 14-185, 6-3-2018)

**Sec. 14-186. Reserve strips.**

Reserve strips that separate developed or developable land from necessary access to streets shall be prohibited except when such access is controlled by City of Stonecrest.

(Ord. No. 2018-06-03, § 14-186, 6-3-2018)

**Sec. 14-187. Street intersection spacing.**

Street intersections with centerline offsets of less than 125 feet shall be prohibited in subdivisions.

(Ord. No. 2018-06-03, § 14-187, 6-3-2018)

**Sec. 14-188. Intersections—Right angles.**

Street intersections in subdivisions shall be as nearly at right angles as practicable. No interior angle shall be less than 75 degrees. Intersections or more than two streets shall be designed according to the specific types illustrated in the Standards for Construction and Design.

(Ord. No. 2018-06-03, § 14-188, 6-3-2018)

**Sec. 14-189. Intersections—Property line to be mitered.**

At each street intersection in a subdivision the property line at each block corner shall either be mitered. A mitered property line shall be located on the interior chord of a convex curve or located 15 feet inside the tangent of a concave curve.

(Ord. No. 2018-06-03, § 14-189, 6-3-2018)

**Sec. 14-189.1. Traffic improvements, street improvements, curb cuts, visibility requirements, and private street construction standards.**

- (a) Each building shall be located on a lot or parcel that abuts a public street or private street. Private streets shall only be allowed if the development seeking to have a private street is ten acres or larger in size. The Director shall have the authority to waive this minimum acreage requirement if all real property owners that abut the proposed private street agree to such waiver.
- (b) Where this chapter measures minimum building setback lines and frontages, or imposes development standards in connection with, or with reference to public streets, such measurements or standards set forth in the district regulations and supplemental regulations of chapter 27, in this chapter or elsewhere in the Code of the City of Stonecrest shall apply similarly for property abutting a private street where such private street has been approved by the planning commission. Nothing in this article is intended to authorize any kind of development on a private street that would not be authorized where there was public right-of-way.
- (c) Private streets within any zoning district shall not be used to satisfy the off-street parking requirements of the Code. Private streets within any district shall be assigned names and locations. The names of these streets shall be shown on plans required for the issuance of building and development permits as provided in this chapter and chapters 7 and 27 of this Code.
- (d) Lots may front on a public street or private street constructed to the standards found in this chapter.
- (e) Where sewer lines are constructed underneath a private street, the developer is required to grant an easement to the county for installation, maintenance and repair of such sewer lines if required by DeKalb County.
- (f) Private streets shall not be eligible for participation in the city's traffic calming program as provided for in chapter 17 of this Code.
- (g) Private streets shall not be eligible for participation in the city's residential sidewalk district program.
- (h) Developers and property owners' associations shall ensure access to all private streets by emergency and law enforcement vehicles and shall ensure that private streets are constructed to allow access by all emergency vehicles and law enforcement vehicles.
- (i) The use of private streets may not result in an increase in permitted density above that which would otherwise be permitted by the applicable district regulations. Density calculations shall be made based on a public street system and the preliminary plat that provides for a private street shall be density neutral. Additionally, a utility easement is not to be included in any plat as a part of an individual lot and thus such land that comprises the utility easements cannot be used to calculate the required minimum lot size, or minimum front yard size.
- (j) Private streets shall comply with requirements for public streets found in this chapter and all other applicable sections of the Code of the City of Stonecrest. Private streets shall be surfaced with the same type of materials that are used for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the city to surface and resurface streets so long as such alternative materials are approved by the Director.

(Ord. No. 2018-06-03, § 14-189.1, 6-3-2018)

### Sec. 14-189.2. Approval to create a private street.

- (a) The Director of Community Development, or his designee, shall authorize a private street where the Community Development Department has certified that the applicant has submitted all required documentation as set forth herein and where the Director of Community Development finds that:
  - (1) The location of the proposed private streets will not adversely impact use of any existing surrounding public streets;
  - (2) The location of the proposed private street will not adversely impact adjacent existing communities or neighborhoods;
  - (3) The applicant has shown that there is the requisite legal mechanism for the maintenance of the proposed private streets; and
  - (4) The applicant has provided written evidence that the proposed private street system is acceptable to the city departments or divisions responsible for law enforcement, sanitation, transportation and fire and rescue; and
- (b) If the private street is to be located in an historic district as that term is defined in section 14-410, then the applicant must provide the Director of Community Development a certificate of appropriateness authorizing the private street from the historic preservation commission. If no such certificate of appropriateness is provided to the ~~Director of~~ Director of Community Development, then the Director of Community Development shall deny the application for a private street.
- (c) Street rights-of-way shall be owned by the mandatory homeowner association as required by section 14-189.3. Street rights-of-way shall comply with all the requirements set forth in this Code, including, but not limited to, the requirements set forth in this chapter and in chapter 27 of this Code. An access easement and a utility easement shall entirely overlay the rights-of-way and shall be dedicated to City of Stonecrest for public use. All applicable setbacks, lot widths and lot areas shall be measured from the homeowner association right-of-way.

(Ord. No. 2018-06-03, § 14-189.2, 6-3-2018)

### Sec. 14-189.3. Legal mechanism for maintenance of private streets, resurfacing fund.

- (a) *Maintenance of private streets.*
  - (1) Each developer that chooses to include private streets within a condominium, as that term is defined by state law, or any other residential, commercial, institutional, industrial or office development shall organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association shall be organized so that it has clear legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city. The recorded declaration of covenants and articles of association shall specifically

require the property owners' association to repair and maintain each private street in the same manner as similar public streets are maintained by the city and such maintenance and repair shall be performed in compliance with all city standards and all applicable provisions of law.

- (2) Prior to any final plat approval, the developer shall submit articles of incorporation, declaration of covenants and bylaws for the property owners' association to the community development department. Those documents must thereafter be reviewed and approved by the city attorney.
- (b) *Maintenance fund.* The declaration of covenants and articles of association shall provide for a street maintenance fund the proceeds of which shall be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or a similar purpose. For the purposes of further providing further assurance that city funds shall not be used for maintenance of private streets, the developer shall submit proof of deposit of 50 percent of the current estimate of resurfacing costs, as determined by the community development and development director or designee, in an interest bearing account on behalf of the property owners' association.
- (c) *Maintenance bond* A developer must provide a maintenance bond renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The bond shall be for an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee. The developer may avoid securing the maintenance bond set forth in this subsection if the developer submits proof to the community development department that 100 percent of the then-current estimate of resurfacing costs, as determined by the community development and development director or designee, has been deposited in an interest-bearing account on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association shall specifically require the property owners' association to continuously maintain 100 percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.
- (d) *Assessment and liens.* The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in subsection (a) of this section. At least 15 percent of all fees or assessments paid shall be set aside in the maintenance fund. Any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.

(Ord. No. 2018-06-03, § 14-189.3, 6-3-2018)

**Sec. 14-189.4. Inspection of private streets within nine months of approval of the final plat; failure to correct deficiencies.**

- (a) Within nine months following approval of the final plat, the Director of Community Development or designee shall inspect the private streets to ensure compliance with all city standards and all applicable provisions of this Code, including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer shall be notified of any deficiencies in writing and such deficiencies shall be corrected within 60 days of the written notice of deficiencies unless the city agrees to extension of that period in writing.
- (b) Failure to correct the complete list of deficiencies shall be a violation of this section and shall subject the developer to prosecution for a code violation in the Municipal Court of the City of Stonecrest. Any person found to have violated this section shall be subject to a fine of not less than \$500.00 for each violation. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.
- (c) The Director of Community Development or designee shall deny the issuance of certificates of occupancy until all deficiencies have been corrected.



(Ord. No. 2018-06-03, § 14-189.4, 6-3-2018)

**Sec. 14-189.5. Abandonment of existing public streets.**

- (a) Any abandonment of a public street by the City pursuant to this section must comply with the applicable requirements set forth in state law and this code, including, but not limited to, the requirements set forth in O.C.G.A. § § 32-7-2(c) and 32-7-4 and as may hereinafter be amended.
- (b) A property owner may petition the governing authority to abandon an existing public street that abuts the owners' property. The petition must include documents that comply with all of the following requirements set forth in this section.
- (c) The petition shall contain evidence that each abutting landowner to the public street seeks to have the street abandoned.
- (d) The petition shall contain evidence that once abandoned pursuant to the requirements of state law, all property owners that abut the street agree that ownership of the street shall be placed in a property owners' association. The petition shall include evidence that 100 percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this part B.
- (e) The petition shall contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.
- (f) The petition shall include evidence that the declaration of covenants and articles of association or other legal instruments creating the property owners' association provide or have been amended to provide that membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit on the street.
- (g) The petition shall include evidence that the property owners' association shall be organized so that it has absolute legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.
- (h) The petition shall include evidence that the declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the city.
- (i) The petition shall include evidence that the declaration of covenants and articles of association shall provide for a maintenance fund, the proceeds of which shall be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or similar purpose. For the purposes of further providing further assurances that city funds shall not be used for maintenance of private streets, the property owners' association shall submit proof of a maintenance fund equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee, in an interest bearing account on behalf of the property owners' association.
- (j) The petition shall include evidence that the property owners have a maintenance bond renewable annually in an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee.

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- (k) The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the streets for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of the owner. At least 15 percent of all fees or assessments paid shall be set aside in the maintenance fund.
- (l) The governing authority shall not consider a petition for abandonment unless it:
- (1) Contains all of the evidence and documents required by this Part B;
  - (2) The street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at-large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and
  - (3) Is supported by an analysis by the community development department that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at-large.

(Ord. No. 2018-06-03, § 14-189.5, 6-3-2018)

### **Sec. 14-190. Street classification and right-of-way width.**

All streets shall be classified according to the table in this section. Street construction standards shall be no less than as follows:

Minimum Right-of-Way Per Street Classification

Street Classification	Minimum Right-of-Way (Ft)	As Measured from Centerline (Ft)
Principal arterial	150	75
Minor arterial	80	40
Collector	60	30
Nonresidential local	60	30
Local (Residential subdivision)	50	25
Alley	20	10
Cul-de-sac	60	N/A

(Ord. No. 2018-06-03, § 14-190, 6-3-2018)

#### **Sec. 14-190.1. Sidewalk required.**

- (a) Sidewalk is required along the frontage of any property abutting a public or private street in which a City of Stonecrest land disturbance permit is required pursuant to the requirements of chapter 27.
- (b) Where a property or development abuts both sides of an existing or future street, sidewalk will be required on both sides of the street.

(Ord. No. 2018-06-03, § 14-190.1, 6-3-2018)

### **Sec. 14-191. Improvements, right-of-way dedication.**

- (a) All proposed new streets shall be designed and built according to one of the standards listed in section 14-190 and as shown in the Standards for Construction and Design adopted by the Director.
- (b) Where a proposed subdivision or project requiring a land development permit has frontage on an existing public street, right-of-way shall be dedicated along that frontage so as to meet the standards of that street's classification in the city thoroughfare plan. The right-of-way shall be improved wherever required as further provided in this section. For existing streets on which a proposed subdivision or project requiring a land development permit has frontage, the applicant shall:
  - (1) Dedicate a minimum of 50 percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;
  - (2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in section 14-190; and
  - (3) Provide a minimum of 50 percent of the roadway pavement required in section 14-190 and install it to the right-of-way centerline.
- (c) Land reserved for any road purposes may not be counted in satisfying yard or area requirements on the City of Stonecrest Zoning Ordinance where the land is to be dedicated to the public in fee simple or an easement associated with the road is granted to City of Stonecrest.
- (d) Right-of-way dedication and road widening shall extend for the full length of road frontage of the property under development and shall conform the standards in these regulations. Flares at pavement ends may be required to extend beyond property under development.
- (e) The Director of Community Development, or his designee, after considering all related factors, may authorize deviations from this section as follows:
  - (1) Right-of-way dedication may be waived or modified if:
    - a. Existing use of property is not to be substantially changed as a result of proposed development or construction;
    - b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
    - c. The adjoining frontage is developed and the predominate existing right-of-way meets city standards.
  - (2) Road improvements may be waived or modified if:
    - a. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
    - b. Governmental construction plans for the road indicate a pavement width less than city standards (only the planned pavement width shall be required);
    - c. No more than five percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
    - d. The existing road meets current city standards; or
    - e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.
  - (3) The applicant may, with written concurrence of the development director and the city attorney, provide payment to the city in lieu of road improvements when:

- a. Road improvements by state or local action are scheduled within 24 months;
- b. Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;
- c. Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the city's road system; and
- d. Payment for road improvements shall be in accordance with a schedule adopted by the mayor and city council based on current street construction costs for the required section.

(Ord. No. 2018-06-03, § 14-191, 6-3-2018)

#### **Sec. 14-192. Half streets.**

Half streets are prohibited. The applicant shall be required to pave the full standard width of any existing unpaved public right-of-way or any proposed public street on which the proposed subdivision has frontage and access.

(Ord. No. 2018-06-03, § 14-192, 6-3-2018)

#### **Sec. 14-193. Temporary dead-end streets.**

Temporary dead-end streets may be platted, if recommended by the ~~planning director~~ **community development director or his/her designee** and approved by the mayor and council, where the proposed subdivision adjoins property not yet subdivided or property that may be redevelopment. A temporary dead end street shall end in a temporary turn-around. The right-of-way of any temporary dead end street shall be carried to the boundary of the properties being subdivided. Street signs shall be posted stating: "No Exit — temporary dead-end street."

(Ord. No. 2018-06-03, § 14-193, 6-3-2018)

#### **Sec. 14-194. Permanent dead-end streets; cul-de-sac required.**

- (a) Dead-end streets designed to be so permanently shall be provided with a cul-de-sac at the closed end and shall not exceed 1,200 feet.
- (b) The minimum outside radius of a cul-de-sac on a public street shall be 40 feet, measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped island at the center, and the clear width of the paved roadway measured from the outside of the landscaped island to the inside face of the outside curb shall not be less than 24 feet. The radius of the right-of-way for the cul-de-sac shall not be less than 50 feet.

(Ord. No. 2018-06-03, § 14-194, 6-3-2018)

#### **Sec. 14-195. Alleys.**

- (a) Alleys shall be required wherever topography or the presence of arterial roads or other features makes vehicular access from the front of the lot impractical or unsafe. Where the alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a public right-of-way and built to the standards required in these regulations/this chapter.

- (b) Alleys may be permitted as private streets providing secondary or service access and where the principal buildings have adequate access for emergency vehicles from a public street on their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public shall provide a continuous connection between one or more public streets. Alleys shall be paved and constructed to the same standards as the connecting public streets except that:

- (1) The paved width of an alley shall be not less than 12 feet;
- (2) Alleys shall be constructed with flush curbs;
- (3) Buildings shall be set back at least ten feet from the back of curb of an alley.

(Ord. No. 2018-06-03, § 14-195, 6-3-2018)

### **Sec. 14-196. Street grades.**

- (a) Subdivision street grades shall not exceed the following, with due allowance for reasonable vertical curves:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

- (b) A 14 percent grade on local residential streets may be approved by the Director of Community Development where a sight distance in feet of ten times the speed limit is maintained. An as-built street profile may be required.
- (c) No street grade shall be less than one percent and no one percent grade shall be longer than 300 feet.
- (d) Up to a 12 percent grade on alleys may be allowed, provided the Director of Community Development approves any required drainage plan.

(Ord. No. 2018-06-03, § 14-196, 6-3-2018)

### **Sec. 14-197. Minimum horizontal curve radius.**

Subdivision streets with design speeds of 20 miles per hour may not have a minimum centerline horizontal curve radius less than 90 feet. No other subdivision street shall have a horizontal curve radius less than 150 feet. Radius shall be measured from the centerline of the right-of-way.

(Ord. No. 2018-06-03, § 14-197, 6-3-2018)

### **Sec. 14-198. Minimum sight distance.**

All subdivision streets shall have minimum sight distance according to the table below:

Design Speed (MPH)	Sight Distance (Ft) <sup>(1)</sup>				
	2-Lane	3 and 4 Lanes		5 and 6 Lanes	
	SDL=SDR	SDL	SDR	SDL	SDR

25	280	n/a	n/a	n/a	n/a
30	335	350	375	400	420
35	390	410	440	465	490
40	445	470	500	530	560
45	500	530	560	595	630
50	555	590	625	660	700
55	610	650	685	730	770

Notes:

1. SDL refers to "sight distance to the left" and SDR refers to "sight distance to the right."
2. Minimum intersection sight distance for stopped passenger vehicles turning onto a roadway with no median and grades of three percent or less. Distances shall be adjusted for entering roadways with different design characteristics.

If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant shall, at the applicant's expense, provide adequate traffic-control devices or other physical improvements subject to the approval and installation by the city.

(Ord. No. 2018-06-03, § 14-198, 6-3-2018)

## **Sec. 14-200. Access management.**

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in thoroughfare plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (1) Commercial or office properties may be required, based on site conditions as determined by the development director, to provide a cross access drive and pedestrian access to allow circulation between sites. Cross access is not required between nonresidential uses and single-family uses.
- (2) Joint driveways, cross access easements and pedestrian access shall be established wherever feasible along a major or minor arterial or collector street. The building site shall incorporate the following:
  - a. Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 1,000 feet of linear frontage along the thoroughfare.
  - b. A design speed of ten mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles, and loading vehicles.
  - c. Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
- (3) Reserved.
- (4) The Director of Community Development may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - a. Joint access driveways and cross access easements are provided in accordance with this section.
  - b. The site plan incorporates a unified vehicular and pedestrian access and circulation system in accordance with this section.

- c. The property owner shall enter a written agreement with City of Stonecrest, recorded with the deed, that pre-existing connections on the site that do not meet the requirements of this section will be closed and eliminated after construction of each side of the joint use driveway.
- (5) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

Minimum Number of Access Points

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76—150 units	2	Residential arterial or collector street
Residential, 151—300	3	Collector street
Residential over 300 units	4	Collector street
Nonresidential, less than 300 required parking spaces	1	Collector street
Nonresidential, 300-999 required parking spaces	2	Major or minor arterial or collector street
Nonresidential, 1,000 or more required parking spaces	2 or more as determined by the department	Major or minor arterial or collector street

- (6) The separation of access points on a major or minor arterial or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
Less than or equal to 35 MPH	125 feet
36 to 45 MPH	245 feet
Greater than 45 MPH	440 feet

- a. The distance between access points shall be measured from the centerline of the proposed driveway or public street to the centerline of the nearest existing adjacent driveway or public street.
- b. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
- c. No driveway, except residential access, shall be allowed within 100 feet of the centerline of an intersecting arterial or collector street.
- d. No nonresidential access except right in/right out channelized access shall be allowed within 100 feet of the centerline of any other major or minor arterial.
- e. The requirements of this section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this section.
- (7) Where major or minor arterials or collector streets include medians, directional median openings shall be separated by a minimum of 330 feet and full median openings shall be separated by a minimum of 660 feet.
- (8) All street design and other development activities, including landscaping, shall be arranged on-site so as to provide safe and convenient access for emergency vehicles.

- (9) Along major or minor arterials, residential arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.

- a. Deceleration lane. A deceleration lane shall be required at each project driveway or subdivision street entrance, as applicable, that meets either the average daily traffic (ADT) or right turning volumes shown in the following table.

	2 Lanes on Main Road		2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	8,000	4,000	12,000	10,000
Daily right turning volume	150	75	150	75
Peak hour right turning volume	15	7	15	7

Operating Speed	Deceleration Lanes
Subdivision Streets	Not Required
35 mph	150 feet+50-foot taper
40 mph	150 feet+50-foot taper
45 mph	150 feet+50-foot taper
55 mph	200 feet+150-foot taper

Deceleration lanes located within 75 feet of an intersection radius may be extended to the intersection.

- b. Left turn lanes. Left turn lanes must be constructed at no cost to the city if either the ADT or left turning volumes shown in the following table are met. The Director of Community Development may also require the addition of a left turn lane, even when the conditions in the following table are not met, if roadway geometry or field conditions indicate that the safety of the traveling public would be improved.

Table 11.4-5 Minimum Volumes Requiring Left Turn Lanes

	2 Lanes on Main Road		2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	6,000	4,000	10,000	8,000
Daily left turning volume	300	200	300	200
Peak hour left turning volume	30	20	30	20

(Ord. No. 2018-06-03, § 14-200, 6-3-2018)

### Sec. 14-201. Planting strips.

The Director of Community Development shall maintain a list of trees that are appropriate for the planting strips, and no trees other than those on the list shall be placed in the planting strips. The Director of Community



Development shall also maintain specifications regarding spacing trees, and the appropriate time for planting. The trees may not count toward the fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree requirements under the tree protection ordinance, provided the requirements for tree type for planting strips are met.

(Ord. No. 2018-06-03, § 14-201, 6-3-2018)

## **Sec. 14-202. Access management areas; purpose and intent.**

The purpose and intent in enacting these regulations is as follows:

- (a) To promote policies for the uniform improvement of safe and efficient movement of traffic, both vehicular and pedestrian, throughout City of Stonecrest;
- (b) To maximize the benefit of transportation investments by maintaining a high level of functionality along major roadways;
- (c) To encourage efficient development plans that enable individuals to fulfill their daily activities through minimal use of single-occupancy vehicles, and through increased use of alternative transportation modes such as public transit, walking, and bicycling;
- (d) To provide for uniform control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway throughout City of Stonecrest;
- (e) To support the goals stated in the transportation plan, including improved multi-modal transportation, increased accessibility, and improved travel safety and efficiency; and
- (f) To provide a transportation system that results in less congestion and increased use of alternative modes of travel.

(Ord. No. 2018-06-03, § 14-202, 6-3-2018)

### **Sec. 14-202.1. Scope and applicability of regulations.**

These regulations apply to each application for the development, use, alteration, parking, open space, building or modification of any structure where the subject property is, in whole or in part, contained within the boundaries of an access management area. The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the access management area. Access management area regulations are supplemental to the underlying zoning district regulations. No development or building permit shall be issued to any applicant for permits for property or portions of property within an access management area until such time as the application complies with all applicable access management area regulations and underlying zoning district regulations. Where there is a conflict between an access management area regulation and another regulation contained in the Code, the access management area regulation shall govern. Where an access management area regulation is equally restrictive with other regulations in the Code, the access management area regulation shall govern.

(Ord. No. 2018-06-03, § 14-202.1, 6-3-2018)

### **Sec. 14-202.2. Definitions.**

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Continuous service drive* means a privately-owned and maintained continuous drive providing for ingress and egress to a public road.

*Lower functional classification* means those areas the Georgia Department of Transportation designates as lower functional classification on the current Functional Classification Map for the incorporated areas of the City of Stonecrest.

*Throat length* means the distance between the edge of the street and the end of the driveway within a development. The 50-foot throat length will allow three cars to stack up waiting to leave without interfering with the internal circulation of the parking lot.

(Ord. No. 2018-06-03, § 14-202.2, 6-3-2018)

### **Sec. 14-202.3. Driveways.**

The following standards for driveway access and spacing shall apply to all properties included in an access management area. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (a) Where roadways include medians, median openings shall be separated by a minimum of 660 feet;
- (b) Right-turn lanes shall be required at all driveways where the right-turning volume exceeds 300 vehicles per day;
- (c) The following driveway spacing shall be required for all driveways along the corridor between median openings or intersections with public roadways (measured center line to center line):
  - (1) The minimum distance of an upstream driveway from a median opening or intersection with a public roadway shall be 300 feet in addition to the storage length required for the driveway.
  - (2) The minimum distance of a downstream driveway from a median opening or intersection with a public roadway shall be 300 feet;
- (d) All developments shall have access to a public right-of-way. Access to a public right-of-way may be obtained via an adjacent public roadway with a lower functional classification. The maximum number of driveways per parcel depends upon the length of frontage along the corridor:
  - (1) For parcels with less than 600 feet of frontage, there shall be a maximum of one driveway allowed per parcel.
  - (2) For parcels with at least 600 feet of frontage, there shall be a maximum of two driveways per parcel.
  - (3) For parcels which have frontage along an adjacent public roadway with a lower functional classification, the maximum number of driveways will be unchanged, but the first driveway shall be located on the adjacent public roadway.
- (e) All driveways serving a single parcel must be at least 100 feet (measured from the centerline) from the property line that is perpendicular to the property frontage, and all deceleration lanes must be contained entirely within the property frontage. For parcels with insufficient frontage to accommodate these requirements, exceptions will be allowed, but driveway locations must be approved by the mayor or his designee. Access to a public right-of-way may be obtained through a shared driveway, which provides access to more than one parcel. Shared driveways are exempt from the requirement regarding distance of the driveway from the property line.
- (f) There shall be a minimum driveway throat length of 50 feet. Throat length is the distance needed into a site to transition vehicles to the internal circulation system of the site.

## (g) Driveway Width Dimensions.

## Nonresidential Driveway Width

Entrance Configuration	Minimum Width (Ft)	Maximum Width (Ft)
One way	15 <sup>(1)</sup>	18 <sup>(1)</sup>
Two way	24	36 <sup>(2)</sup>

## Notes:

(1) Where no other access is provided a minimum width of 20 feet shall be required.

(2) Additional width may be approved by the Director of Community Development based on an approved engineering design.

- (h) Driveway Radii. The minimum driveway radii for the intersection of local and nonresidential driveways and local streets is 25 feet. For all other roadway classifications, the minimum driveway radius is 50 feet.

(Ord. No. 2018-06-03, § 14-202.3, 6-3-2018)

**Sec. 14-202.4. Interparcel access.**

To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family or duplex residential units. Where necessary, the mayor or his designee may require access easements be provided to ensure continuous access and egress routes connecting commercial, office, and multifamily lots. Stub-outs shall be provided to indicate that abutting properties may be connected to provide cross-access via a continuous service drive.

(Ord. No. 2018-06-03, § 14-202.4, 6-3-2018)

**Sec. 14-202.5. Pedestrian and bicycle access.**

Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be constructed along adjacent streets and those entering adjoining properties. Safe, convenient, and handicap-accessible pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development.

(Ord. No. 2018-06-03, § 14-202.5, 6-3-2018)

**Secs. 14-203—14-215. Reserved.****Part C. Easements****Sec. 14-216. Scope.**

The provisions of this division apply to easements for or in subdivisions.

(Ord. No. 2018-06-03, § 14-216, 6-3-2018)

**Sec. 14-217. Permission for dedication required.**

The applicant must obtain permission from the Director of Community Development for the dedication of utility easements prior to the submission of the dedication.

(Ord. No. 2018-06-03, § 14-217, 6-3-2018)

**Sec. 14-218. Reserved.**

(Ord. No. 2018-06-03, § 14-218, 6-3-2018)

**Sec. 14-219. Drainage easements; off-site.**

Where drainage system improvements are required on private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

(Ord. No. 2018-06-03, § 14-219, 6-3-2018)

**Sec. 14-220. Pedestrian and bicycle easements and paths.**

Pedestrian and bicycle easements and paths shall be required in subdivision or projects requiring a land development permit to provide circulation or access to schools, parks, libraries, shopping centers, transportation centers and other community facilities. Such easements shall have a paving width of five feet. Such paths shall be constructed according to the specifications set forth in the Standards for Construction and Design Drawings.

(Ord. No. 2018-06-03, § 14-220, 6-3-2018)

**Secs. 14-221—14-235. Reserved.****Part D. Blocks****Sec. 14-236. Generally.**

The lengths, widths and shapes of blocks in subdivisions shall be determined with due regard to:

- (1) Provision of building sites suitable to the special needs of the type of use contemplated or for the conservation of open space or existing historic features;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, or commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and
- (4) Limitations and opportunities of topography to minimize land disturbance and erosion.

(Ord. No. 2018-06-03, § 14-236, 6-3-2018)

**Sec. 14-237. Desirable maximum and minimum lengths.**

The dimensions of blocks shall be designed to accommodate and promote vehicular circulation at safe speeds. The desirable maximum block length in a subdivision is 1,200 feet and the desirable minimum length is 300 feet.

(Ord. No. 2018-06-03, § 14-237, 6-3-2018)

**Sec. 14-238. Mid-block easements and pedestrian paths.**

In blocks of 800 feet or more, the Director of Community Development may require the reservation of a ten-foot easement and the paving of a five-foot-wide path through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths shall be constructed according to the specifications set forth in the Standards of Construction and Design Drawings.

(Ord. No. 2018-06-03, § 14-238, 6-3-2018)

**Secs. 14-239—14-255. Reserved.****Part E. Lots****Sec. 14-256. Generally.**

The lot size, width, depth, shape and orientation and the minimum building, setback, side yard, and rear yard lines in subdivisions shall be in accordance with requirements of the city zoning ordinance.

(Ord. No. 2018-06-03, § 14-256, 6-3-2018)

**Sec. 14-257. Corner lots.**

Corner lots for residential use in a subdivision shall have an extra width of not less than 15 feet more than required for interior lots by the zoning ordinance for the zoning district within which they are located in order to provide appropriate front building setback from and orientation to both streets.

(Ord. No. 2018-06-03, § 14-257, 6-3-2018)

**Sec. 14-258. Frontage.**

Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved under this chapter.

(Ord. No. 2018-06-03, § 14-258, 6-3-2018)

**Sec. 14-259. Through lots and reverse frontage lots prohibited.**

Through lots and reverse frontage lots shall be prohibited in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from major arterials or to overcome specific disadvantages of topography and orientation, the lots fronting such

features may be platted in greater depth so that dwellings may be set back an appropriate distance from the major arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from a public alley shall not constitute a prohibited through lot. A landscape reservation of at least ten feet in width, and across which there shall be no right of vehicular access, may be required along the lot lines of lots abutting any disadvantageous feature or land use where access should be restricted in the public interest.

(Ord. No. 2018-06-03, § 14-259, 6-3-2018)

#### **Sec. 14-260. Side lot lines.**

Side lot lines in subdivisions shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

(Ord. No. 2018-06-03, § 14-260, 6-3-2018)

#### **Secs. 14-261—14-274. Reserved.**

(Ord. No. 2018-06-03, §§ 14-261—14-274, 6-3-2018)

### **Part F. Reservation of Open Spaces**

#### **Sec. 14-275. Open space required; purposes.**

- (a) All residential subdivisions under five acres or consisting of 36 or less dwelling units may, and all residential subdivisions greater than five acres or consisting of more than 36 dwelling units shall be required to provide open space, in order to achieve the following public purposes:
  - (1) Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;
  - (2) Reduce erosion and sedimentation by minimizing land disturbance; and
  - (3) Preserve and develop an adequate-tree cover.
- (b) Open space shall be a minimum of 20 percent of the land in all new subdivision developments.
- (c) Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this part.

(Ord. No. 2018-06-03, § 14-275, 6-3-2018)

#### **Sec. 14-276. Restrictions on open space.**

No more than 20 percent of the open space area may be covered with an impervious surface. Impervious surfaces may include paved trails, bike paths or multi-use paths, buildings, plazas, swimming pools, or athletic courts. Impervious surfaces in open space may not include sidewalks along public rights-of-way or parking lots, streets, or other areas for motorized vehicular use.

(Ord. No. 2018-06-03, § 14-276, 6-3-2018)

**Sec. 14-277. Dedication of parks, open space, recreation areas and conservation easements.**

Parks, open space, multi-use trails, recreation areas and conservation easements may be offered for dedication to the city by the property owner.

(Ord. No. 2018-06-03, § 14-277, 6-3-2018)

**Secs. 14-278—14-285. Reserved.****Part G. Sites for Civic Uses****Sec. 14-286. Reservation of sites for civic uses.**

A developer may reserve and offer property within a subdivision as a site for a civic use, including, but not limited to, public schools, fire stations, police stations, or recreation centers. The developer shall allow a minimum period of one year from the date of submittal of the preliminary plat during which time the proper authorities may authorize acquisition of the property for its intended civic purposes. If the reserved site has not been authorized for acquisition by the proper authorities within one year, the reservation shall terminate unless extended by the developer. If not extended, development of the formerly reserved site must follow the standard plat approval process. An amended final plat for the entire subdivision shall then be processed in the required manner when submitted by the developer.

(Ord. No. 2018-06-03, § 14-286, 6-3-2018)

**Secs. 14-287—14-295. Reserved.*****DIVISION 4. REQUIRED IMPROVEMENTS*****Part A. General Provisions****Sec. 14-296. Scope.**

This division applies to required improvements for or in subdivisions.

(Ord. No. 2018-06-03, § 14-296, 6-3-2018)

**Sec. 14-297. Location of required utilities in public rights-of-way.**

All required utilities within county or city rights-of-way shall be located as shown in the Standards of Drawings and Specifications maintained by the **community** development department and as otherwise provided herein.

(Ord. No. 2018-06-03, § 14-297, 6-3-2018)

**Secs. 14-298—14-311. Reserved.**

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
ARTICLE III. - SUBDIVISIONS  
DIVISION 4. - REQUIRED IMPROVEMENTS  
Part B. Water

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## Part B. Water

### **Sec. 14-312. Reserved.**

(Ord. No. 2018-06-03, § 14-312, 6-3-2018)

### **Sec. 14-313. Design, construction and acceptance.**

The design and construction of all water main and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

(Ord. No. 2018-06-03, § 14-313, 6-3-2018)

### **Sec. 14-314. Pavement replacement.**

Cuts in existing street pavement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

(Ord. No. 2018-06-03, § 14-314, 6-3-2018)

### **Secs. 14-334—14-350. Reserved.**

## Part C. Sewers

### **Sec. 14-351. Reserved.**

(Ord. No. 2018-06-03, § 14-351, 6-3-2018)

### **Sec. 14-352. Design, construction and acceptance.**

The design and construction of all sewer lines and appurtenances shall conform to the specifications and requirements of the DeKalb County Department of Watershed Management prior to the approval of a development permit by the community development department.

(Ord. No. 2018-06-03, § 14-352, 6-3-2018)



**Sec. 14-353. Pavement replacement.**

Cuts in existing street placement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained prior to work being initiated.

(Ord. No. 2018-06-03, § 14-353, 6-3-2018)

**Secs. 14-354—14-375. Reserved.****Part D. Streets****Sec. 14-376. Standards.**

- (a) *Generally.* Street improvements shall be provided in each subdivision in accordance with the specifications in this part and the standard plans and specifications available from the city. The term "state transportation department specifications" shall refer to the state department of transportation specifications in effect at the time the work is placed under contract. The references made to these specifications shall control the materials and equipment as well as the construction method of every class of work so applicable unless otherwise noted.
- (b) *Grading.* The construction limits shall be cleared of all trees, stumps, brush and rubbish before grading operations are begun. No trees, stumps, brush or rubbish shall be placed in fill sections within the construction limits. Such debris shall be disposed of in a manner satisfactory to the development director. Fill sections shall be placed in six-inch layers with each layer thoroughly compacted with a sheep foot roller or by other approved methods before the next layer is placed, compaction to be not less than 95 percent as determined by AASHTO, section T-99. Where unsatisfactory material is encountered (namely any material that will not compact properly, including solid rock) an additional 12 inches shall be excavated below the subgrade elevation and backfilled with a select material. Where unstable material is used in fills, the fill shall be left 12 inches below the subgrade elevation. This 12-inch fill section shall be filled with select material. Streets shall be graded to width of not less than 42 feet in the center of the right-of-way to provide eight-foot shoulders in accordance with city's standard plan.
- (c) *Curbing.* Header curbing shall be required on all streets and shall be furnished and installed by the applicant unless grassed swales are used for water quality control and approved by the development director. The minimum classes and types of curbing permitted will be as follows:
  - (1) Granite curbing, class D or better.
  - (2) Other than approved by the Director of Community Development, all curbing shall be placed in firm well-compacted subgrade, and curbing displaced prior to acceptance for maintenance by the city shall be reset or replaced. Specifications for the granite curbing are available from the City of Stonecrest Community Development Department.
  - (3) The use of rollback curb as approved by the Director of Community Development.
- (d) *Base and paving.* All roadways shall be paved according to the table below.

Minimum Construction Standards

Street Classification	Base	Binder	Topping 9.5 mm-Type II or 12.5 mm
Principal and minor arterials	12" GAB	6" <sup>(2)</sup>	1 ½"
Collectors	12" GAB	6" <sup>(2)</sup>	1 ½"
Nonresidential local	8" GAB	3" 19mm	1 ½"
Residential local and alleys	8" GAB	2" 19 mm	1"

## Notes:

1. Unless otherwise specified by the community development department or GDOT.
  2. Binder course shall consist of four inches 25 mm Superpave base and two inches of 19 mm Superpave binder.
- (e) As-built drawings for all new streets shall be submitted to the community development department depicting a street profile based on the centerline and 50-foot stations.
- (Ord. No. 2018-06-03, § 14-376, 6-3-2018)

**Sec. 14-377. Street signs.**

- (a) The city's standard steel post with horizontal reflectorized street nameplates with four-inch letters shall be furnished by the applicant and set by the applicant at all subdivision street intersections.
- (b) Street name signs shall have four-inch black letters on reflectorized silver background with black border. Nameplates shall be mounted parallel or nearly parallel to the street. The names shall be marked and visible from both sides. Signposts shall be ten-foot poles with at least three feet well-embedded in the ground.
- (c) The applicant shall pay to the city for each street name sign.
- (d) To ensure that all street markers are paid for by the applicant and installed at the proper time, the required street markers will be paid for by the applicant at the time of recording.
  - (1) For subdivisions recorded under a performance bond, the street marker will not be installed until the paving has been completed.
  - (2) For subdivisions recorded under a maintenance bond, the street markers may be installed at the time of recording.

(Ord. No. 2018-06-03, § 14-377, 6-3-2018)

**Sec. 14-378. Road hazards prohibited.**

Subdivision signs, planter boxes, and other similar permanent structures shall not be located on street rights-of-way and shall not be constructed in a manner which, in the opinion of the city, obstructs driveway sight distance or creates a traffic hazard; detailed plans for these structures shall be submitted to development director.

(Ord. No. 2018-06-03, § 14-378, 6-3-2018)

### **Sec. 14-379. Surface drainage specifications.**

- (a) The size, length and location of all surface drainage pipe or structures shall be shown on the final subdivision plats and shall be subject to the approval of the department and/or DeKalb County. All storm drain pipes or culverts carrying stormwater from the street and adjacent property between or through lots shall be extended to at least 30 feet behind the rear of the house, or otherwise as required by DeKalb County. Stormwater must be released into a channel without causing scouring, erosion or resulting sedimentation to the receiving channel. When necessary, the outlet channel shall include structural and vegetative measures to ensure nonerosion velocities. This requirement for pipe extension shall only apply to the discharge ends of piped systems.
  - (1) An exception to extending pipes 30 feet behind the rear of the house may be made for pipes 54 inches and larger where the house site is proposed to be more than 30 feet from the center of the drainage way.
  - (2) An exception to extending pipes 30 feet behind the rear of the house may be granted by the city when soil conditions prohibit erosion.
  - (3) An exception to extending pipes 30 feet behind the rear of the house may be granted by the city where lots are at least one acre in size, open channels are provided, and neither ponding nor erosion control will result.
- (b) Installation, backfilling and compaction shall be in accordance with state transportation department specifications, sections 106 and 520. All pipes shall have a minimum cover of one foot and headwalls or inlet basins constructed at the end of each pipe.
- (c) The design of drainage structures shall be based on recognized hydrological formulas as outlined in the Georgia Stormwater Management Manual.
- (d) A contour map with an interval of two feet shall be submitted as part of preliminary plats; where available, the city two-foot topographic map shall be used. As determined by the Director of Community Development, any lots within the subdivision which are undesirable for building due to bad drainage conditions shall be excluded, and no building shall be permitted thereon until these conditions have been corrected as specified by the department.

(Ord. No. 2018-06-03, § 14-379, 6-3-2018)

### **Sec. 14-380. Reserved.**

(Ord. No. 2018-06-03, § 14-380, 6-3-2018)

### **Sec. 14-381. Bonds or escrow required.**

- (a) If, at the time the final plat is submitted for approval, the construction of the street improvements has not been accomplished, then the final plat shall be disapproved. No performance bonds shall be allowed or authorized except the mayor shall require a performance bond to be filed with the city to ensure that all final road improvements required by this Code are made by the owner or applicant. The city shall accept no road until such time as all road improvements required by the city are made. Any acceptance of a road or approval of a final plat where the road improvements were not made prior to acceptance or approval shall be considered ultra vires and void.
- (b) After the work has been completed according to the city specifications and duly inspected by the city, then a maintenance bond shall be required equal to ten percent of the estimated construction cost. The proposed

maintenance bond shall be reviewed and approved as to form by the city attorney prior to acceptance by the city. The maintenance bond shall cover the street improvements, drainage system, water system and sewer system. Funds may be placed in escrow with the city in lieu of maintenance bonds.

- (c) The applicant shall be required to sign a maintenance agreement with the city, by which the applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer systems, and rights-of-way.
- (d) In case of emergency repairs, which must be made immediately, or required corrections, which are not made within 30 days of notice, the city shall have the authority to make these corrections and recover costs from the applicant. In cases where funds are being held in escrow by the city, the cost of making these corrections shall be deducted from these funds, and the applicant charged with any costs above the amount of escrow funds.

(Ord. No. 2018-06-03, § 14-381, 6-3-2018)

### **Sec. 14-382. Standard plans and specifications available.**

Standard city plans and specifications referred to in this part are on file and may be obtained from the **community** development department. The plans are cross sections and construction drawings for a graded street, paved street, driveway section for curbed streets, brick catch basin, barricade for dead-end streets, 24-inch concrete curb and gutter section and standard street marker.

(Ord. No. 2018-06-03, § 14-382, 6-3-2018)

### **Sec. 14-383. Sidewalks and bicycle lanes.**

- (a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved nonresidential developments and as set forth in section 14-190 of this article, unless determined by the Director of Community Development to be infeasible only due to severe cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however, continuous sidewalks shall be required on at least one side of all new and improved local residential streets in all new and improved. Refer to section 14-191 for sidewalk exemptions.
- (b) The Director of Community Development may require that sidewalks required pursuant to 14-383(a) be continued to the nearest major or minor arterial or collector street.
- (c) A grassed, planted or landscaped strip, as set forth in section 14-190 of this article, shall separate all sidewalks from adjacent curbs, bridges excepted. The Director of Community Development may approve a variable sidewalk location and landscape strip width based on site conditions and future road expansions. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.
- (d) Sidewalks shall be concrete, with the width based on the zoning ordinance, and four inches thick. Concrete shall be Class "B," as defined by the Georgia Department of Transportation, and have strength of 2,500 psi at 28 days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. The required width of a sidewalk may be increased, as determined by the Director of Community Development, based on site conditions to ensure pedestrian safety. See also, section 14-190.1.
- (e) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the Director of Community Development. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts. The sidewalk plan shall be recorded on the final plat and all sidewalks completely installed prior to approval of the final plat.

- (f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the Community Development Department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the city within 30 days or prior to issuance of a certificate of occupancy, whichever is earlier.
- (g) In any "landmark district" or "historic district," as defined by the city, where replacement or reconstruction of the sidewalk is deemed necessary, the sidewalk shall be replaced or reconstructed using materials, widths, and designs that are compatible with the historic materials and designs, if any, that exist within the historic district. Design compatibility shall be determined by the City of Stonecrest Historic Preservation Commission.
- (h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the department.
- (i) No person shall construct a sidewalk on any street in the city without first having obtained a permit to do so from the department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the department shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.
- (j) Bicycle lanes shall be required on new or substantially improved major or minor arterials, parkways, or collector streets where the posted speed limit is 35 miles per hour or greater. Bicycle lanes may also be required by the Director of Community Development where necessary to provide connections to bikeways in concert with the city bikeway master plan. Bicycle lanes shall be constructed as follows:
  - (1) Bicycle lanes, where required, shall be at least four feet wide and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be at least five feet wide and located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road. See also section 14-190.
  - (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the development director.
  - (3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.
  - (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.
- (k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane.

(Ord. No. 2018-06-03, § 14-383, 6-3-2018)

#### **Sec. 14-384. Reserved.**

(Ord. No. 2018-06-03, § 14-384, 6-3-2018)

**Sec. 14-385. Underground utilities.**

All utilities are required to be placed underground in all new subdivisions of two or more lots except where no utility improvements are required by this chapter, or where the development director determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. No. 2018-06-03, § 14-385, 6-3-2018)

**Sec. 14-386. Streetlights.**

Streetlights consistent with Georgia Power specifications, are required in all new subdivisions of two or more lots except where no utility improvements are required by this chapter. Streetlights shall be provided on the same side of the street as sidewalks.

(Ord. No. 2018-06-03, § 14-386, 6-3-2018)

**Secs. 14-387—14-395. Reserved.****Part E. Private Sewage Disposal****Sec. 14-396. Health department approval required for sewage disposal systems.**

Private sewage disposal including septic tanks shall be approved by the health department.

(Ord. No. 2018-06-03, pt. E, 6-3-2018)

**Secs. 14-397—14—405. Reserved.****ARTICLE IV. FLOODPLAIN MANAGEMENT*****DIVISION 1. FINDINGS OF FACT AND STATEMENT OF PURPOSE*****Sec. 14-406. Statutory authority.**

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, City of Stonecrest, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-407. Findings of fact.**

- (a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(Ord. No. 2018-06-03, § 14-407, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-408. Purpose and intent.**

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect, maintain and enhance human life and health;
- (b) Minimize the expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains; electric, nine telephone and sewer lines; and streets and bridges located in areas of special flood 2720 hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard;
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (i) Improve the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

(Ord. No. 2018-06-03, § 14-408, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Sec. 14-409. Methods of reducing flood losses.**

In order to accomplish its purposes, this article includes methods and provisions that:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage;

- (e) Prevent or regulate the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas; and
- (f) Limit the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

(Ord. No. 2018-06-03, § 14-409, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 2. DEFINITIONS***

### **Sec. 14-410. Specific definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give its most reasonable application.

*Accessory use* means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

*"Adjacent to the future-conditions floodplain"* means all those areas located lower in elevation than either three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, unless the area has absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc., with no fill or other manmade barriers creating the separation.

*Adversely affects* means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

*Apex* means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

*Appeal* means a request for a review of the director's interpretation of any provision of this article.

*Area of shallow flooding* means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard.* See "Special flood hazard area."

*Base flood* means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

*Base flood elevation* means the highest water surface elevation anticipated at any given point during the base flood.

*Basement* means any area of the building having its floor subgrade i.e., below ground level on all sides.

*Basin* means a region or land area drained by a single river system.

*Building.* See Structure.



*Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

*Director* means the director of community development or designee.

*Elevated building* means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

*Existing construction means*, for floodplain management purposes, any structure for which the "start of construction" commenced before June 3, 2018, the effective date of the first floodplain management regulations adopted by the community as a basis for that community's participation in the National Flood Insurance Program"

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 3, 2018.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FEMA* means the Federal Emergency Management Agency.

*Flood, flooding, or flood water* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
- (2) The condition resulting from flood-related erosion.

*Flood hazard boundary map (FHBM)* means the official map on which the Federal Emergency Management Agency or the Federal Insurance Administration has delineated the special flood hazard areas as Zone A.

*Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map and the water surface elevation of the base flood.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source. See "Flooding."

*Floodplain coordinator* is the individual appointed to administer and enforce the floodplain management regulations, and shall mean the Director of Community Development or his or her designee.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

*Floodway* means the channel of river or other watercourse and the adjacent land areas of the floodplain that is necessary to contain and discharge the based flood flow without cumulatively increasing the water surface elevation more than one foot, also referred to as "regulatory floodway."

*Floodway fringe* is the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

*Fraud and victimization* as related to division 6, variances, of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the zoning board of appeals will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

*Functionally dependent use* means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The terms include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and do not include long-term storage or related manufacturing facilities.

*Future-conditions flood* means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the one-hundred-year future-conditions flood.

*Future-conditions floodplain* means any land area susceptible to flooding by the future-conditions flood.

*Future-conditions flood elevation* means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

*Future-conditions hydrology* means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications, within a stream or other waterway, such as a bridge or culvert construction, fill and excavation.

*Governing body* is the Mayor and City Council for the City of Stonecrest.

*Hardship* as related to division 6, variances, of this article means the exceptional hardship that could result from a failure to grant the requested variance. The zoning board of appeals requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed foundation of a building.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

*Increased costs of compliance coverage* means the National Flood Insurance Program coverage used to mitigate repetitive flood loss properties, where the cumulative flood damage over a ten-year period is such that the cost of repairing the damage is more than half of the building's fair market value.

*Land development* means any land change, including but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

*Land development activities* means those actions or activities that comprise or facilitate a result in land development.

*Land development project* means a specific land development undertaking.

*Levee* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such a closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement (see "basement"), which includes the following:

- (a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this chapter.
- (b) For residential structures, all subgrade-enclosed areas are considered to be basements, including below-grade garages and storage areas.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Minimum necessary* means to afford relief with a minimum of deviation from the requirements of this article.

*National Geodetic Vertical Datum (NGVD)* as corrected in 1929, means the vertical control used as a reference for establishing varying elevations within a floodplain.

*New construction*, for floodplain management purposes, means structures for which the "start of construction" commenced after June 3, 2018, and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 3, 2018.

*Owner* means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*One-hundred-year flood or 100-year flood.* See "Base flood."

*Permit* means the authorization issued by the director necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Public safety and nuisance*, as the term is used in division 6, variances, of this article means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Recreational vehicle* means a vehicle which is:

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

*Remedy a violation* means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

*Repetitive loss structure* means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood drainage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

*Sheet flow area.* See "Area of shallow flooding."

*Site* means the parcel of land being developed, or the portion thereof on which the land development project is located.

*Special flood hazard area (SFHA)* means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1—A30, AE, A99, AR or AH; all floodplain and floodprone areas at or below the future-conditions flood elevation; and all other floodprone areas. All streams with a drainage area of 100 acres or greater must have the special flood hazard area delineated.

*Start of construction* includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings or structures appurtenant to the principal structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

*Subdivision* means the division or re-division of a lot, tract or parcel of land, regardless of its existing and future use, into two or more lots, tracts or parcels, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The market value of the building means:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement, or
- (2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures that have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

*Substantially improved existing manufactured home park or subdivision* means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads when the cost of such repair, reconstruction, rehabilitation or improvement equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

*Violation* means the failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 2018-06-03, § 14-410, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### ***DIVISION 3. GENERAL PROVISIONS***

### **Sec. 14-411. Lands and structures to which this article applies.**

This article shall apply to all areas within the jurisdiction of the city.

(Ord. No. 2018-06-03, § 14-411, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-412. Basis for establishing the areas of special flood hazard.**

- (a) The areas of special flood hazard. currently identified by the Federal Insurance Administration of FEMA in the flood insurance study and accompanying flood insurance rate maps and flood boundary and floodway maps, currently dated August 15, 2019 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this article.
- (b) The flood insurance study and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to the governing authority by the floodplain coordinator. The Flood Insurance Study, Federal Insurance Rate Maps and Flood Boundary and Floodway Maps are on file with the City of Stonecrest.
- (c) For those land areas acquired by city annexation, the flood insurance study and data in effect at the time of approval of this are hereby adopted by reference.
- (d) The areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a flood insurance study.
- (e) Studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain include, but are not limited to, the following:
  - (1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local, state or federal agency applicable to the City of Stonecrest; or
  - (2) Any flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.
- (f) Other studies, which may be relied upon for the establishment of the future-conditions flood 3056 elevation or delineation of the future-conditions floodplain, include, but are not limited to, the following:
  - (1) Any flood or flood-related study conducted by the United States [Army] Corps of Engineers or the United States Geological Survey or any other local state or federal agency applicable to the City of Stonecrest; or
  - (2) Any regulatory flood study authored by a registered professional engineer in the state which has been approved by the City of Stonecrest.

(Ord. No. 2018-06-03, § 14-412, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-413. Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this article and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine and/or imprisonment in accordance with chapter 1 of the City of Stonecrest Code. Each day

such violation continues shall be considered a separate offense, and nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2018-06-03, § 14-413, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-414. Repetitive loss structure and cumulative substantial damage.**

A building must be brought into compliance with requirements for new construction if it has incurred flood-related damages on two occasions during a ten-year period in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event, or damage of any origin is sustained whereby the cost of restoring the building to its before damage condition would equal or exceed 50 percent of the market value of the building before the damage occurred.

(Ord. No. 2018-06-03, § 14-414, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-415. Mandatory purchase of flood insurance.**

In the event that a property owner chooses not to purchase flood insurance on property at risk, or does not comply with a notice to bring a building into compliance, reducing the community efforts for flood protection, the insurance premium discount for the community's property owners as a community rating participant may not apply.

(Ord. No. 2018-06-03, § 14-415, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-416. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenant, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2018-06-03, § 14-416, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-417. Interpretation.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2018-06-03, § 14-417, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-418. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of city, any officer or employee thereof, the State of Georgia, or the Federal

Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 2018-06-03, § 14-418, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-419. Severability.**

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 4. ADMINISTRATION***

### **Sec. 14-420. Establishment of development permit.**

A development permit shall be obtained before any construction of other development begins within any area of special flood hazard. Application for a development permit shall be made on forms promulgated by the director and may include, but not be limited to, floodplain management/flood damage prevention plan; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials drainage facilities; and location of the foregoing. Specifically, all of the following information is required before the director will consider the application for a development permit:

(a) *Application stage:*

(1) Site plan, including but not limited to:

- a. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprints, or one-foot contour elevations throughout the building site; and
- b. Proposed locations of water supply, sanitary sewer, and utilities; and
- c. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
- d. If applicable, the location of the regulatory floodway; and
- e. Existing and proposed elevation of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material and storage of materials or equipment; and
- f. Proposed locations of drainage and stormwater management facilities; and
- g. Proposed grading plan; and
- h. Base flood elevations and future-conditions flood elevations; and
- i. Boundaries of the base flood floodplain and future-conditions floodplain; and
- j. Certification of the site plan by a registered professional engineer in the state.

(2) Building and foundation design detail, including but not limited to:

- a. Proposed elevation in relation to mean sea level, or highest adjacent grade, of the lowest floor, including the basement, of all structures; and



- b. For a crawl space foundation, location and total net area of foundation openings as required in subsection 14-429(6)(3) and FEMA Technical Bulletins 1-93 and 7-93; and
  - c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test Method); and
  - d. Certification that any proposed nonresidential floodproofed structure meets the criteria in 14-429; and
  - e. For enclosures below the base flood elevation, location and total net area of foundation openings as required in 14-429c(i).
  - f. Certification that the foundation design detail is by a registered professional engineer in the state.
- (3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection 14-429(6)(3)6. and FEMA Technical Bulletin TB 3-93; and
  - (4) All appropriate certifications listed in subsection 14-429(6)(3); and
  - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
  - (6) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS; and
  - (7) Copies of all applicable state and federal permits and certifications necessary for proposed development.
- (b) *Construction stage:*
- (1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the floodplain coordinator a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation, immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a currently state-registered land surveyor or currently state-registered professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a currently state-registered professional engineer or architect and certified by the same.
  - (2) Any work undertaken prior to submission of the certifications identified in subsection 14-420(b)(1) shall be at the permit holder's risk. The floodplain coordinator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or, failure to make said corrections required herein, shall be cause to issue a stop-work order for the project.
  - (3) Copies of permits issued for construction in the floodplain shall be forwarded to the floodplain coordinator.
- (c) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved regions. Any and all development permits and/or use and occupancy certificates or permits may be

revoked at any time if the construction and development activities are not in strict accordance with approved plans.

- (d) A development permit will not be approved for any construction or other development activities that do not meet the requirements, restrictions and criteria of this article.

(Ord. No. 2018-06-03, § 14-420, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-421. Designation of the floodplain coordinator.**

The Director is hereby appointed as the floodplain coordinator and is authorized to administer, implement, and enforce this article by granting or denying permits in accordance with its provisions.

(Ord. No. 2018-06-03, § 14-421, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-422. Duties and responsibilities of the floodplain coordinator.**

The duties and responsibilities of the floodplain coordinator shall include, but not be limited to, the following:

- (a) Review all development permits to determine that:
  - (1) The permit requirements of this article have been satisfied;
  - (2) Copies for all necessary permits from any governmental agencies from which approval is required are on file;
  - (3) All other required state and federal permits have been obtained;
  - (4) The site is reasonably safe from flooding; and
  - (5) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated.
- (b) Review, use and develop base flood data:
  - (1) When base flood elevation data has not been provided in accordance with section 14-412, the floodplain coordinator shall obtain, review, and reasonably utilize any base flood elevation, future conditions flood elevation, floodway or future conditions floodway data available from a federal or state agency, or other source, in order to administer the provisions of this article. Any such information shall be submitted to the Mayor and City Council for adoption; or
  - (2) Review and record the actual elevation in relation to the mean sea level, or highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved structures.
- (c) Notify other government agencies of an alteration or relocation of a watercourse:
  - (1) Notify adjacent communities and the Georgia Department of Water Resources prior to any alteration or relocation of a watercourse; and
  - (2) Submit evidence of such notification to the Federal Insurance Administration and FEMA; and
  - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (d) Obtain and maintain for public inspection and make available, as needed, the following:
  - (1) Certification required by subsection 14-429(b)(3) and section 14-432 (lowest floor elevations);

- (2) Certification required by subsection 14-429(b)(3)b. (elevation or floodproofing of nonresidential structures);
- (3) Certification required by subsection 14-429(b)(3)b. (wet floodproofing standard);
- (4) Certification of elevation required by section 14-432 (subdivision standards); and
- (5) Certification required by section 14-439 (floodway encroachments).
- (e) Make map determinations and interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation of the floodplain coordinator.
- (f) Review and record the actual elevation, in relation to mean sea level, to which any new construction or substantial improvement has been floodproofed.
- (g) Take action to remedy violations of this article as specified in section 14-413.
- (h) Respond to requests for listings of properties in the floodplain. The adopted method for disclosure at the time of sale or rental of a property is accomplished by providing to the interested parties, general public, realtor, insurance, mortgage and engineering consulting firms with an electronic database listing all properties in the floodplain, annually updated, and free of charge.
- (i) Duties for variances.
  - (1) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration and Federal Emergency Management Agency.
  - (2) Maintain the records of all appeal actions and report any variances to FEMA upon request.

(Ord. No. 2018-06-03, § 14-422, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-423. Appeals.**

The zoning board of appeals shall hear and decide appeals when an applicant alleges there is an error in any requirement, decision, or determination made by the floodplain coordinator within 1,000 feet of the property in the enforcement or administration of this article.

(Ord. No. 2018-06-03, § 14-423, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION***

### **Sec. 14-424. Floodplain management planning and public information.**

- (a) To comply with requirements of the community rating system, the city adopts the following:
  - (1) A floodplain management plan and progress that will be reported in the annual re-certification process. This plan will be updated for each subsequent two-year period.
  - (2) Public information shall include, but it is not limited to elevation certificate repository, map information, outreach projects, hazard disclosure, flood protection, and flood protection assistance.

(Ord. No. 2018-06-03, § 14-424, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-425. Stream dumping penalties.**

Ally natural growth or human-made debris that reduces the carrying and storage capacity of the city drainage system may be a violation of this article. Any person who dumps log, trash, trees, and similar debris, shall, upon conviction, be subject to a fine and/or imprisonment according to chapter 1 of the City of Stonecrest Code.

(Ord. No. 2018-06-03, § 14-425, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-426. Definitions of floodplain boundaries.**

- (a) Studied "A" zones, as identified in the flood insurance study, shall be used to establish base flood elevations whenever available.
- (b) For all streams with drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the floodplain coordinator. If future-conditions elevation data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-426, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-427. Engineering study requirements for floodplain encroachments.**

An engineering study is required, as appropriate to the proposed development activities on a site, whenever a development proposes to disturb the regulatory floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of section 14-439 shall apply. This study shall be prepared by a currently state-registered professional engineer and made a part of the application for a development permit pursuant to section 14-420. This information shall be submitted to and approved by the floodplain coordinator prior to the approval of any permit that would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (a) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (b) Step-backwater analysis, using a FEMA-approved methodology. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating the flood insurance study results and will then be rerun with the proposed modifications to determine the new base flood and future conditions flood profiles;
- (c) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base floodplain and future conditions floodplain storage capacity would not be diminished by the development;
- (d) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.

(Ord. No. 2018-06-03, § 14-427, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-428. General standards.**

- (a) No development shall be allowed within the future-conditions floodplain that could result in the following:

- (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
  - (2) Reducing the base flood or future-conditions flood storage capacity;
  - (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
  - (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (b) Any development within the future-conditions floodplain allowed under (a) above shall also meet the following conditions:
- (1) Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;
  - (2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
  - (3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
  - (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 14-430;
  - (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
  - (6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Director using the community consent forms before forwarding the submittal package to FEMA for final approval. Forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

(Ord. No. 2018-06-03, § 14-428, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-429. Standards of construction within the limits of the future-conditions floodplain.**

- (a) New construction and substantial improvements of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all of the pertinent requirements of this article have been met.
- (b) No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable provisions of this Code, state or federal law. In all areas of flood hazards the following standards are required:
  - (1) *Anchoring.* All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:
- (i) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
  - (ii) Using methods and practices that minimize flood damage;
  - (iii) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  - (iv) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (3) *Elevation and floodproofing.*
- (i) *Residential buildings.* New construction and substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of section 14-427, 14-428, and 14-439 have been met. If all of the requirements of section 14-427, 14-428, and 14-439 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, which is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (iii).
  - (ii) *Non-residential buildings.* New construction and substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of section 14-427, 14-428, and 14-439 have been met. If all of the requirements of section 14-427, 14-428, and 14-439 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or the future-conditions flood elevation, which is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (iii). New construction and substantial improvements that have met all of the requirements of section 14-427, 14-428, and 14-439 may be floodproofed in-lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or Architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain coordinator.
  - (iii) *(Elevated buildings)* All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwater. Designs for meeting these requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB-7-93, and must exceed the following minimum criteria:

- a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
  - b. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
  - c. Be certified by a currently state-registered professional engineer or currently state-registered architect.
- (iv) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity will not be furthered, extended or replaced.
  - (v) On-site waste disposal system shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
  - (vi) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive future condition elevation and development standards shall take precedence.

(Ord. No. 2018-06-03, § 14-429, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-430. Standards for utilities.**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - (1) Infiltration of floodwaters into the systems, and
  - (2) Discharge from the systems into floodwaters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
- (c) All above-ground utilities shall be elevated three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher.

(Ord. No. 2018-06-03, § 14-430, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-431. Standards for subdivisions.**

- (a) All subdivision and other development proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.
- (b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future conditions floodplain for residential structures will not be required.
- (c) All applications for land-disturbance permits will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a

currently state-registered professional engineer or currently state-registered land surveyor and provided to the floodplain coordinator.

- (d) All applications for land-disturbance permits shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding.
- (e) All applications for land-disturbance permits shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage or discharge from the system into flood waters.
- (f) All applications for land-disturbance permits shall provide adequate drainage and stormwater management facilities to reduce exposure to flood hazards.
- (g) All subdivision proposals shall provide the elevations of proposed structures in accordance with section 14-420.

(Ord. No. 2018-06-03, § 14-431, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-432. Standards for manufactured homes.**

- (a) All manufactured homes that are substantially improved within the limits of the future-conditions floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, if the manufactured home is on a site located:
  - (1) Outside of a manufactured home park or subdivision;
  - (2) In a new manufactured home park or subdivision;
  - (3) In an expansion to an existing manufactured home park or subdivision, or
  - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.
- (b) All manufactured homes to be substantially improved on sites in an existing manufactured home park or subdivision within the limits of the future-conditions floodplain that are not subject to the provisions of subsection (a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - (1) Lowest floor of the manufactured home is three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher, or
  - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
- (c) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain coordinator.
- (d) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been met.

(Ord. No. 2018-06-03, § 14-432, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)



### **Sec. 14-433. Standards for recreational vehicles.**

All recreational vehicles placed on sites within the limits of the future-conditions floodplain will either:

- (a) Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions, or
- (b) The recreational vehicle must meet all the requirements for new construction of residential buildings, including the anchoring and elevation requirements.

(Ord. No. 2018-06-03, § 14-433, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-434. Standards for accessory structures and facilities.**

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar structures and facilities) that are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with subsection 14-429(b)(3)(iii) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(Ord. No. 2018-06-03, § 14-434, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-435. Building standards for buildings authorized adjacent to the future-conditions floodplain.**

- (a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 14-429(b)(3)(iii).
- (b) *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrostatic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 14-429(b)(3)(iii).

(Ord. No. 2018-06-03, § 14-435, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-436. Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A-zones).**

- (a) For residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data has been provided (A-zones), the floodplain coordinator shall review and reasonably utilize any available scientific or historic flood elevation, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this article.

- (b) If no data is available from any of these sources, the following provisions will apply:
- (1) No encroachments including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
  - (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Opening sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 14-428.

(Ord. No. 2018-06-03, § 14-434, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-437. Building standards for areas of shallow flooding (AO-zones).**

- (a) Areas of special flood hazard may include designated "AO" shallow-flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:
- (1) All substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for "elevated buildings" set forth in this Code or promulgated by the director or the state. The applicant's or owner's engineer shall certify to the floodplain coordinator that the lowest floor elevation level and the record shall become a permanent part of the permit file.
  - (2) Substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified flood insurance rate map flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
- (b) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2018-06-03, § 14-437, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-438. Definition of floodway boundaries.**

- (a) The width of a floodway shall be determined from the flood insurance study or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the floodplain coordinator. If floodway data is not available from the floodplain coordinator, then it shall be determined by a registered professional engineer using a method approved by FEMA and the floodplain coordinator.
- (b) Following a pre-design conference with the floodplain coordinator, the boundaries or limits of the floodway shall be shown on the development or stormwater site plan containing existing topographic information.

(Ord. No. 2018-06-03, § 14-438, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-439. Floodway encroachments.**

Located within areas of special flood hazard established in section 14-412 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) All encroachments are prohibited, including earthen fill, new construction, substantial improvement, and any other new development within the regulatory floodway, except for activities specifically allowed in [subsection] (b).
- (b) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (c) If an applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodways shall be issued by the floodplain coordinator until an affirmative conditional letter of map revision is issued by FEMA and a no-rise certification is approved by the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-439, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-440. Maintenance requirements.**

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The floodplain coordinator may direct the owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the floodplain coordinator.

(Ord. No. 2018-06-03, § 14-440, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

## ***DIVISION 6. VARIANCE PROCEDURE***

### **Sec. 14-441. Nature of variance.**

- (a) The variance criteria set forth in this division are based on the general principle of law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the owner or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- (b) It is the duty of the mayor and city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple

provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 2018-06-03, § 14-441, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-442. Appeal board.**

- (a) In passing upon requests for variances, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article including all of the following:
  - (1) Danger that materials may be swept onto other lands to the injury of others;
  - (2) Danger of life and property due to flooding or erosion damage;
  - (3) Susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the existing individual owner and future owners of the property;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity of the facility to a waterfront location, where applicable;
  - (6) Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  - (7) Compatibility of the proposed use with existing and anticipated development;
  - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Any owner to whom a variance is granted shall be given written notice from the zoning board of appeals that:
  - (1) The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance; and
  - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain coordinator in the office of the Clerk of Superior Court of DeKalb County in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. No. 2018-06-03, § 14-442, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-443. Conditions for variances.**

- (a) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (b) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (c) Variances shall not be issued within any designated or mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.

(Ord. No. 2018-06-03, § 14-443, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

#### **Sec. 14-444. Variance procedure.**

- (a) The zoning board of appeals, as established by the city, shall hear and decide requests for appeals or requests for variances from the requirements of this article.
- (b) The zoning board of appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain coordinator in the enforcement or administration of this article. No action will be taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter.
- (c) In reviewing such requests, the zoning board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (d) Applications for variances must be submitted in writing to the director in accordance with chapter 27.
- (e) Applications for variance shall be heard at a public hearing by the zoning board of appeals pursuant to chapter 27.
- (f) A variance shall only be issued when all of the following conditions are present:
  - (1) A finding of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in undue and exceptional hardship;
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud or victimize the public;
  - (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute limitations upon other properties;
  - (5) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements; and
  - (6) The strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.
- (g) Upon consideration of the factors of subsection 14-442(a) and the purposes of this article, the zoning board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (h) Any person aggrieved by the decision of the zoning board of appeals may appeal such decision by petition of review to the Superior Court of DeKalb County in accordance with state law. A person shall be considered aggrieved for the purpose of this subsection only if: said person or said person's property was the subject of

the action appealed from; or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(Ord. No. 2018-06-03, § 14-444, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

### **Sec. 14-445. Violations, enforcement and penalties.**

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this article shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(Ord. No. 2018-06-03, § 14-445, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-446. Notice of violation.**

If the floodplain coordinator determines that a property owner or other responsible person has failed to comply with the applicable provisions of this Code, an approved stormwater management plan or the provisions of this chapter, he shall issue a written notice of violation to such owner or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit thereof, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the director by filing a written notice of appeal within 30 days after the notice of violation.

(Ord. No. 2018-06-03, § 14-446, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

### **Sec. 14-447. Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director shall first notify the owner or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient to cure such violation. In the event the owner or other responsible person fails to

cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties:

- (a) *Stop-work order.* The director may issue a stop-work order that shall be served on the owner or other responsible person. The stop-work order shall remain in effect until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the owner or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (b) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (c) *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the owner or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the owner or other responsible person to take the necessary remedial measures to cure such violations.
- (d) *Penalties.* For violations of this chapter, the director may issue a citation to the owner or other responsible person, requiring such person to appear in the municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set forth in chapter 1. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2018-06-03, § 14-447, 6-3-2018; Ord. No. 2019-11-02, 11-12-2019)

**Secs. 14-448—14-499. Reserved.**

## **ARTICLE V. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL**

### **Sec. 14-500. Title.**

This article will be known as "Soil Erosion, Sedimentation and Pollution Control Ordinance."

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-500, 6-3-2018)

### **Sec. 14-501. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

*Best Management Practices (BMPs)* means and includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

*Board* means the Board of Natural Resources.

*Buffer* means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Certified Personnel* means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

*Coastal Marshlands* means shall have the same meaning as in O.C.G.A. § 12-5-282.

*Commission* means the Georgia Soil and Water Conservation Commission (GSWCC).

*CPESC* means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

*Department* means the Georgia Department of Natural Resources (DNR).

*Design Professional* means a professional licensed by the State of Georgia in the field of means engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

*Director* means the Director of the Environmental Protection division or an authorized representative.

*District* means the DeKalb County Soil and Water Conservation District.

*Division* means the Environmental Protection division (EPD) of the Department of Natural Resources.

*Drainage Structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.

*Erosion, Sedimentation and Pollution Control Plan* means a plan required by the Erosion and Sedimentation Act, O.C.G.A. chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section 14-503C.

*Fill* means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

*Final Stabilization* means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures, as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

*Finished Grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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

*Ground Elevation* means the original elevation of the ground surface prior to cutting or filling.



*Land-DisturbingActivity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 14-502, subsection 5.

*LargerCommonPlanofDevelopmentorSale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this section, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

*LocalIssuingAuthority (LIA)* means the governing authority of any county or municipality which is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8.

*MetropolitanRiverProtectionAct (MRPA)* means a state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

*NaturalGroundSurface* means the ground surface in its original state before any grading, excavation or filling.

*NephelometricTurbidityUnits (NTU)* means Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

*NOI* means a Notice of Intent form provided by EPD for coverage under the State General Permit.

*NOT* means a Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

*Operator* means the party or parties that have means (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Outfall* means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on-site, becomes a point source discharging into that receiving water.

*Permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

*PhaseorPhased* means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.

*ProperlyDesigned* means Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

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

*Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

*Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*SoilandWaterConservationDistrictApprovedPlan* means an erosion, sedimentation and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

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

*StateGeneralPermit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and O.C.G.A. § 12-5-30(f).

*StateWaters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*StructuralErosion, SedimentationandPollutionControlPractices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

*TroutStreams* means all streams or portions of streams within the watershed as designated by the Wildlife Resources division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, chapter 391-3-6 at [www.epd.georgia.gov](http://www.epd.georgia.gov). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

*VegetativeErosionandSedimentationControlMeasures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-501, 6-3-2018)

## **Sec. 14-502. Exemptions.**

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, the Georgia Surface Mining Act of 1968;
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this section. For single-family residence construction covered by the provisions of this section, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to article 2 of chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this section shall be enforced by the Local Issuing Authority;
5. Agricultural operations, as defined in O.C.G.A. § 1-3-3, definitions, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in sections 14-503C(15) and (16), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for the purposes of this section, the term "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by subsection 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system, as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system, as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-502, 6-3-2018)

#### **Sec. 14-503. Minimum requirements for erosion, sedimentation and pollution control using best management practices.**

- A. *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections B. and

C of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES General Permit.

B. *Minimum requirements/BMPs.*

1. Best management practices as set forth in section 14-503 B. and C. shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with subsection B.2. of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to section O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the division pursuant to section O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This section shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the division pursuant to section O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
5. The LIA may set more stringent buffer requirements than stated in subsections C.15, 16 and 17 of this section, in light of O.C.G.A. § 12-7-6(c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 14-503B.2;
15. Except as provided in subsections C.16 and 17 of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: That under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article 5, chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this section. The following requirements shall apply to any such buffer:
  - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or

trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - (i) Stream crossings for water lines; or
    - (ii) Stream crossings for sewer lines; and
16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to article 2 of chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - (i) Stream crossings for water lines; or
    - (ii) Stream crossings for sewer lines; and
17. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with chapter 5 of Title 12 of this title, the Coastal Marshlands Protection Act of 1970. And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges,

roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this section, "maintenance" shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat;
- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
- d. Activities where the area within the buffer is not more than 500 square feet or that have a Minor Buffer Impact, as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.



- D. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections B. and C. of this section.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-503, 6-3-2018)

#### **Sec. 14-504. Application/permit process.**

- A. *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. *Application requirements.*
  - 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Stonecrest without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD, if applicable.
  - 2. The application for a permit shall be submitted to the Community Development Director, or his designee, and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection C. of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections B. and C. of this section will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
  - 3. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee, as defined in the state general permit for each acre of land-disturbing activity, included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
  - 4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and

any variances required by section 14-503C.15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per subsection B.6. of this section, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. *Plan requirements.*

1. Plans must be prepared to meet the minimum requirements as contained in section 14-503 B. and C., or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his level of involvement with the process, as developed by the Commission and in consultation with the division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. *Permits.*

1. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 14-503C.15, 16 and 17 are obtained, bonding requirements, if necessary, as per subsection B.6. of this section are met and all ordinances and rules and regulations in effect within the jurisdictional

boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-504, 6-3-2018)

#### **Sec. 14-505. Inspection and enforcement.**

- A. The Community Development Director, or his designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities, as defined herein, has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Community Development Director, or his designee, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- F. The division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-505, 6-3-2018)

#### **Sec. 14-506. Penalties and incentives.**

- A. *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- B. *Stop-work orders.*
1. For the first and second violations of the provisions of this article, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
  2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order;
  3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred; and
  4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has

occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

- C. *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 14-504B.6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. *Monetary penalties.* Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-506, 6-3-2018)

#### **Sec. 14-507. Education and certification.**

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on-site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on-site may contract with certified persons to meet the requirements of this article.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said section.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-507, 6-3-2018)

**Sec. 14-508. Administrative appeal, judicial review.**

- A. *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 15 days after receipt by the Local Issuing Authority of written notice of appeal.
- B. *Judicial review.* Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-508, 6-3-2018)

**Sec. 14-509. Effectivity, validity and liability.**

- A. *Effectivity.* This ordinance shall become effective on October 16, 2017.
- B. *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- C. *Liability.*
1. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
  2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
  3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State, as defined thereby.

(Ord. No. 2017-08-09, § 1, 8-7-2017; Ord. No. 2018-06-03, § 14-509, 6-3-2018)

**ARTICLE VI. TREE PROTECTION****Sec. 14-516. Purpose and applicability.**

- (a) *Statement of purpose.*
- (1) The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of land development in the city.
  - (2) The City of Stonecrest mayor and council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare and aesthetics of the City of Stonecrest and all its citizens.
  - (3) The citizens of the city and their many communities enjoy many benefits that can be directly attributed to our trees.
    - a. Trees produce oxygen, which is essential to the well-being of all animal life, including humans.

- b. Trees help to reduce the amounts of airborne pollutants. For example, trees remove carbon dioxide, that is a major environmental concern due to its current high levels.
  - c. Trees and their foliage intercept dust and particulate matter, thereby helping to purify our air and limiting health risks.
  - d. Trees and their root systems reduce soil erosion and stormwater runoff. This decreases sedimentation problems and improves water quality.
  - e. Trees provide food and shelter for desirable urban wildlife.
  - f. Trees provide screening, which in turns aids in the reduction of noise and glare.
  - g. Trees help moderate our air temperature to provide us with a comfortable environment.
  - h. Trees provide scenic amenities to soften the harshness of city buildings and streets. They are aesthetically pleasing to all that view them.
  - i. Trees may affect property values and can have a positive impact upon the economy of an area.
  - j. Trees can enhance the natural functions of streams and related buffers.
- (4) Protect specimen and historical trees in a manner consistent with the City of Stonecrest Tree Protection Ordinance.
  - (5) Provide standards for the preservation of trees as part of the land development process.
  - (6) Prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.
  - (7) Protect trees during construction to enhance the quality of life in the City of Stonecrest.
  - (8) Protect trees in construction of public facilities and utilities.
- (b) *General applicability.*
- (1) The terms and provisions of the tree protection ordinance shall apply to all real property in the City of Stonecrest except as otherwise provided in this article.
  - (2) The terms and provisions of the tree protection ordinance shall further apply to any residential or nonresidential development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided in this article.
  - (3) The terms and provisions of the tree protection ordinance shall also apply to development on any city-owned property, including property owned by city agencies, boards, and authorities, except as otherwise provided in this article.

(Ord. No. 2018-06-03, § 14-516, 6-3-2018)

## **Sec. 14-517. Exemptions.**

- (a) The following are exempt from this article:
- (1) The removal of five or fewer trees, other than specimen trees, on any single-family residential property, within a single calendar year.
  - (2) The removal of more than five trees, other than specimen trees, from an owner-occupied, single-family lot may be approved by the Director of Community Development if the owner must remove trees in order to build a newly permitted structure, or to build an addition to or make improvements to an existing structure, or to improve the health of other trees in the landscape.

- (3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said zoning contains specific conditions for both tree preservation and tree replacement.
- (4) The removal of trees found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, the Director of Community Development or urban forester.
- (5) The removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include tree harvesting.
- (6) The removal of any tree which has become, or threatens to become, a danger to human life or property.
- (7) Agricultural activities on land zoned RE.
- (8) Approved utility construction within permanent utility easements.
- (9) Construction, expansion, and operation of county landfills.
- (10) Building permits that do not require or authorize land disturbance.

(Ord. No. 2018-06-03, § 14-517, 6-3-2018)

### **Sec. 14-518. Procedures.**

- (a) Application requirements.
  - (1) *Pre-application conference.* Prior to submission of an application for development, the applicant is encouraged to meet with the Director of Community Development to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.
  - (2) *Tree survey.* Except as provided elsewhere in this article, a tree survey shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. Except as provided elsewhere in this section, all trees 18 inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than two inches (DBH) may be identified and counted for unit credit on the tree protection plan. Single residential lots on which the applicant intends to reside may be exempted from the tree survey requirements at the discretion of the director. With the prior approval of the Director of Community Development sampling methods may be used to determine tree densities for forested areas.
- (b) Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:
  - (1) Definition of spatial limits:
    - (i) Limits of land disturbance, clearing, grading, and trenching;
    - (ii) Tree save areas;
    - (iii) Specimen trees; and
    - (iv) Areas of revegetation.
  - (2) Detailed drawings of tree protection measures and their location:



- (i) Location, species and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.
  - (ii) Tree fences;
  - (iii) Erosion control fences;
  - (iv) Tree protection signs;
  - (v) Tree wells;
  - (vi) Aeration systems;
  - (vii) Transplanting specifications;
  - (viii) Staking specifications; and
  - (ix) Other applicable drawings as determined by the Director.
- (3) The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lighting lines. The applicant shall coordinate the location of these utility lines with the utility companies in order to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.
  - (4) Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.
  - (5) Calculations of tree density proposed on-site per section 14-520, tree preservation and replacement requirements.
  - (6) Tree protection inspection. Following the receipt of a complete application, the Director of Community Development shall schedule and conduct an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.
  - (7) Following inspection said plans shall be reviewed by the Director for conformance with applicable zoning conditions, the tree protection ordinance, and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.
  - (8) No development or building permit shall be issued until the tree protection plan has been approved by the Director of Community Development.
  - (9) All tree protection measures shall be installed prior to land disturbance.
  - (10) Single lots in platted residential subdivisions on which the applicant intends to reside may be exempted from the tree protection plan requirements at the discretion of the Director.
- (c) Final inspection. No certificate of occupancy shall be issued by the Director with respect to any permit subject to this article unless and until the Director of Community Development shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this article.
  - (d) Issuance of a building or land development permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.

(Ord. No. 2018-06-03, § 14-518, 6-3-2018)

**Sec. 14-519. Fees (reserved).**

(Ord. No. 2018-06-03, § 14-519, 6-3-2018)

**Sec. 14-520. Tree preservation and replacement requirements.**

The following tree preservation and replacement requirements are hereby established:

- (1) If significant trees exist on a tract of land for which a permit subject to this article is sought, either 120 inches (DBH) per acre or 25 percent of existing significant trees per acre of such significant trees, whichever is less, shall be preserved on the site. Except for zoned C-1, C-2, M, or M-2 sites, trees and tree save areas counting toward this requirement shall not be located in required buffer zones. Trees and tree save areas counting toward this requirement on sites zoned C-1, C-2, M or M-2 may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director of Community Development determines that special constraints of a site result in an inability to build or develop without removing significant trees on a site, where there are only 120 inches (DBH) per acre or less of existing significant trees, the arborist may permit the removal of one or more significant trees. Trees removed pursuant to this section must be replaced with trees one (1.0) times the diameter inches of those removed.

- (2) There shall be at least two two-inch (DBH) over story trees in every front yard of properties zoned RE, RLG, R-100, R-85, and R-75. There shall be at least one two-inch (DBH) over story tree in every front yard of properties zoned RSM and R-60.
- (3) The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:
- (i) Residential developments. All residential subdivisions shall have an average density of 15 density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly-owned property may be located on such commonly-owned property.
  - (ii) Nonresidential and multifamily developments. The quantity of total existing/replacement trees on-site must be sufficient so as to produce a total site density factor of no less than 30 density units per acre.
  - (iii) With the exception of C-1, C-2, M, or M-2 zoned property, the total tree density units required for a parcel or lot shall be computed based on the area of the parcel or lot, excluding all area within the 100-year floodplain. Total tree density units required for C-1, C-2, M, or M-2 zoned property shall be computed based on the area of the parcel or lot, including all area within the 100-year floodplain.
- (4) Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this article. Tree unit values are assigned as follows:

CHART 1. Conversion from Diameter to Density Factor Units for Existing Deciduous Trees to Remain On-Site

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2

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(Supp. No. 4)

16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

CHART 2. Conversion from Diameter to Density Factor Units for Evergreens and Conifers

DBH	
2 to 9	0.2 less unit than deciduous trees
10 to 15	0.1 less unit than deciduous trees
All others	Same as deciduous trees

CHART 3. Conversion from Caliper Diameter to Density Factor Units  
for Deciduous Replacement Trees

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	0.4
3.0 to 3.9	0.5
4.0 to 4.9	0.7
5.0 to 5.9	0.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1
8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	0.05

The use of one- and three-gallon pines will be permitted only with prior approval. There will be no replacement value given for such trees.

- (5) Nothing in these regulations shall be construed to allow the removal of any tree or vegetation in a required stream buffer, transitional buffer zone or state buffer zone except buffer improvements as authorized by the Director.

- (6) Tree relocation and credit for existing trees replacement units will be granted to trees relocated on-site. Tree relocation is subject to approval of the Director of Community Development. Existing trees between two caliper inches and 7.9 caliper inches may be used for credit on the tree replacement plan.
- (7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director of Community Development in order to allow the removal of undesirable groundcover or understory vegetation.
- (8) Specimen trees.
  - (i) Specimen trees shall be identified by the City Arborist, and shall be located on the tree protection plan.
  - (ii) Standards for the identification, preservation, and protection of specimen trees shall be as follows: Any tree in fair or better condition which equals or exceeds the following diameter sizes:
    - a. Large hardwoods, i.e., oaks, hickories, yellow poplars, and similar species: 30 inches DBH.
    - b. Large softwoods, e.g., pines, evergreens, and similar species: 30 inches DBH.
    - c. Small trees, e.g., dogwoods, redbuds, sourwoods, and similar species: Ten inches DBH.
  - (iii) A tree in fair or better condition should meet the following minimum standards:
    - a. A life expectancy of greater than 15 years.
    - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
    - c. No major insect or pathological problem.
  - (iv) A lesser-sized tree can be considered a specimen if:
    - a. It is a rare or unusual species or of historical significance.
    - b. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.
    - c. It is a tree with exceptional aesthetic quality.
  - (v) The Director of Community Development may identify and require the preservation of a tree stand if it contains one or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.
  - (vi) It shall be prohibited to cut specimen trees existing on a tract of land that is the subject of a land disturbance permit, development permit or building permit without a special exception granted by the Zoning Board of Appeals if removal of the specimen tree has not been approved by the Director of Community Development.
  - (vii) Any specimen tree removed from a parcel shall be replaced by 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of this section, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (9) Protection of trees during construction. Methods and standards for tree protection shall be established in administrative guidelines to this article.
  - (i) Trees identified to be preserved and counted as credit for meeting required unit density shall have four-foot orange tree protection fencing installed at the critical root zones.

- (ii) No person engaged in the construction of any structures or improvements or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet of the area outside the critical root zone, as defined herein, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.
  - (iii) All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.
  - (iv) Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the Director of Community Development, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to 1.5 times the equivalent inches (DBH) of the tree removed or damaged.
- (10) Removal of trees from floodplain not permitted. Trees shall not be cut or removed from the floodplain, except as follows:
- (i) Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester.
  - (ii) As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
  - (iii) As part of an approved wetland mitigation plan.
  - (iv) Trees in the 100-year floodplain or required stream buffer may not be cut nor shall they be counted, except as otherwise provided in this section, tree preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned property, to accomplish requirements of the tree protection ordinance.
- (11) The Director of Community Development shall be responsible for distribution of appropriate public educational materials concerning the procedures of the tree protection ordinance, the value of maintaining existing trees, and proper methods of tree planting, preservation, and care.

(Ord. No. 2018-06-03, § 14-520, 6-3-2018)

#### **Sec. 14-521. Tree replacement standards.**

- (a) The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this article. At least 50 percent of replacement trees must be overstory trees; no more than 25 percent may be of any single species, and no more than 25 percent may be of evergreen species.
- (b) Unless otherwise approved by the Director of Community Development, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this article. Trees selected must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to ensure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.
- (c) It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.

- (d) Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director of Community Development.
- (e) Planting and staking details are addressed in the administrative guidelines and shall be specified in the required tree protection plan.

(Ord. No. 2018-06-03, § 14-521, 6-3-2018)

#### **Sec. 14-522. Buffers.**

- (a) *Stream buffers.* Stream buffers shall be consistent with the requirements of article VII of this chapter.
- (b) *Land use transition buffers.* Buffers shall be provided between dissimilar districts or uses in accordance with the provisions of the zoning ordinance or as a condition of zoning, special land use permit or variance approval.
  - (1) Buffer planting shall meet the minimum width requirements contained in chapter 27 of the City of Stonecrest Code of Ordinances, except as authorized to be reduced by a condition of zoning, special land use permit or variance approval.
  - (2) Disturbance or encroachments.
    - (i) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g., stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
    - (ii) Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.
    - (iii) Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.
  - (3) Protection during land disturbing activities.
    - (i) During authorized land disturbing activities, transitional buffer zones, stream buffers, and state buffer zones shall be clearly demarcated and protected prior to commencement of, and during, construction.
    - (ii) The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the arborist.

(Ord. No. 2018-06-03, § 14-522, 6-3-2018)

#### **Sec. 14-523. Parking lot landscaping.**

- (a) Off-street parking lots which contain more than 20 off-street parking spaces on any single lot shall contain landscaping and plantings as provided in chapter 27 of the City of Stonecrest Code of Ordinances.
- (b) Variances to reduce required parking spaces may be granted by the Zoning Board of Appeals when necessary to preserve a significant tree that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if the arborist certifies to the Zoning Board of Appeals that such trees will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the trees.

- (c) Any variance granted under the provisions of this article shall include a condition that should the subject trees die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the arborist.
- (d) The maximum variance allowed under this provision shall be four parking spaces, or ten percent of the total number of parking spaces required by the zoning ordinance, whichever is greater.

(Ord. No. 2018-06-03, § 14-523, 6-3-2018)

#### **Sec. 14-524. Street trees.**

Street trees and continuous landscape strips shall be provided, in conformance with the design requirements specified in chapter 27 of the City of Stonecrest Code of Ordinances, along newly constructed streets, and along existing streets which are widened or realigned subsequent to the adoption of this chapter, in all office, commercial, and industrial developments and along newly constructed streets of residential developments with a net residential density exceeding three dwelling units per acre or as otherwise directed by conditions of zoning or special land use permits.

(Ord. No. 2018-06-03, § 14-524, 6-3-2018)

#### **Sec. 14-525. Maintenance.**

Trees which are used to meet the density requirements for this article, except on single-family residential lots, shall be maintained for two growing seasons after the date of final inspection. The property owner shall maintain required tree density. The applicant or builder will be responsible for identifying newly planted trees to the homeowner and to inform the homeowner as to their proper maintenance.

(Ord. No. 2018-06-03, § 14-525, 6-3-2018)

#### **Sec. 14-526. Alternative compliance.**

The Director of Community Development must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required site density be met through alternative compliance. Where the Director of Community Development has determined that special constraints of a site result in an inability to provide the required tree density, the number of trees will be determined by the Director of Community Development based on-site review. Such site review shall require the developer to re-landscape each parcel using a density calculated as the maximum number of trees that can be sustained on the parcel less the impervious area of that parcel. The balance of trees shall be provided in common areas. If common areas are not sufficient, any remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the Director. The minimum size of trees replanted through the tree bank shall be two caliper inches and shall be planted in accordance with the species list attached as Appendix A hereto and in accordance with the requirements in section 14-521, tree replacement standards.

- (1) *Common area planting.* If trees are to be planted at another location, the following note must appear on the approved tree protection plan: "A tree protection plan addendum for this project shall be submitted to the Director of Community Development at least 30 days prior to requesting a final inspection. This plan shall include the species, size and location of trees to be planted off-site to meet the tree density deficit shown. Issuance of a certificate of occupancy is subject to approval of this plan, as well as verification of the installation of the trees."

- (2) *Tree banking.* If trees cannot be planted on-site and there is insufficient common area for replanting, the balance of trees will be accepted by the director for tree banking within the City of Stonecrest. Participants in the tree banking program administered by the Director, including the signing of an off-site reforestation agreement.

(Ord. No. 2018-06-03, § 14-526, 6-3-2018)

### **Sec. 14-527. Tree harvesting.**

Selective tree harvesting may be permitted upon authorization by the Zoning Board of Appeals in consultation with the arborist. Permits authorizing tree harvesting shall be in accordance with the following standards:

- (1) A 75-foot undisturbed buffer shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.
- (2) Notwithstanding the other provisions of this article, no property owner shall be required to preserve an undisturbed buffer that covers more than 25 percent of the total land area of the property, excluding area inside the 100-year floodplain. In any such case, an alternative buffer width shall be provided, as determined by the Zoning Board of Appeals pursuant to its review of the application for a tree harvesting permit.
- (3) The property shall be required to meet a tree density standard of 30 units per acre, not including the 75-foot buffer, upon completion of authorized land disturbing activities.
- (4) The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.
- (5) No tree harvesting shall be allowed within the city except after approval of a special exception by the Zoning Board of Appeals as is provided in article V, division 4 of chapter 27 of the City of Stonecrest Code of Ordinances. Further, subsequent to such approval of a special exception, no such tree harvesting shall be undertaken on any nonresidential parcel of land unless the transitional buffer zones required by the zoning regulations of the district in which located, are preserved in a natural and undisturbed state.
- (6) Once tree harvesting takes place in conformity with the above regulations, no development of the property shall be permitted that would require the cutting of trees preserved under subsections (3) and (5) of this section for a period of five years following authorization of tree harvesting.

(Ord. No. 2018-06-03, § 14-527, 6-3-2018)

### **Sec. 14-528. Utility company guidelines.**

- (a) All utility companies shall be required to obtain an annual permit issued by the Director. All applications for an annual permit shall include a list of subcontractors with names, addresses, and City business license numbers.
- (b) Periodic work schedules are to be submitted to the arborist showing the proposed location and extent of tree work to be performed.
  - (1) All tree trimming and pruning to be performed by public utilities, public agencies, and their subcontractors on trees growing on private or public rights-of-way shall be done according to the National Arborist Association Standards for Pruning of Shade Trees.



- (2) The routing of public and private utility easements shall be subject to review and comment by the Director of Community Development.

(Ord. No. 2018-06-03, § 14-528, 6-3-2018)

### **Sec. 14-529. Enforcement.**

It shall be the duty of the Director to enforce this tree protection ordinance. The Director shall have the authority to, and the Director of Community Development may recommend that, the Director revoke, suspend or void any land disturbance permit, development permit or building permit or suspend all work on a site or portion thereof in order to effect compliance with this article.

- (1) Violation and penalty. Any person, firm or corporation violating any of the provisions of this article, after having been first issued a warning, shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in violation of this article shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this section exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (2) Any trees eight inches (DBH) and over which have been removed in violation of this article shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees 1.5 times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of section 14-520, tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.
- (3) Additional legal remedies. In addition to all other actions and penalties authorized in this section, the City Attorney is hereby authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this article.
- (4) Appeals; power and duty of the board to hear appeals of decisions of administrative officials. The Zoning Board of Appeals shall have the power and duty to hear and decide appeals where it is alleged by an aggrieved party that there is error in any final order, requirement, or decision made by the Director based on or made in the enforcement of the tree protection ordinance. All such appeals shall be heard and decided following the notice requirements, criteria and procedural requirements in chapter 27 of the City of Stonecrest Code of Ordinances.
- (5) Administrative variances. Front, side and rear yard setbacks and parking requirements may be reduced by an amount not to exceed 50 percent where it is determined by the Director of Community Development to be necessary in order to preserve existing specimen or significant trees. Appropriate conditions to said administrative variances shall be imposed so as to ensure the continued health of said trees following the granting of such variances, including mandatory replacement requirements. Such administrative variances shall be considered and decided consistent with the procedures and criteria contained in chapter 27 of the City of Stonecrest Code of Ordinances. Appeals of final decisions regarding administrative variances may be taken as provided in subsection (4) of this section.
- (6) Special exception. The Zoning Board of Appeals is authorized to consider requests for special exception for the removal of an unauthorized specimen tree. All such requests shall be filed, notice given, and all procedures shall be as is required in the zoning ordinance. No such special exception for the unauthorized removal of a specimen tree shall be granted by the Zoning Board of Appeals unless the applicant has demonstrated and the Board has found that the property is not capable of earning a

reasonable economic return absent the grant of the special exception. In making this determination the Board shall consider the following factors:

- (i) Value of the trees in question, considering their age, size, health, and significance;
- (ii) The current level of economic return on the property;
- (iii) The marketability of the property; and the unfeasibility of alternate design or uses. Appeals from final decisions of the Board shall be as provided for in chapter 27 of the City of Stonecrest Code of Ordinances.

(Ord. No. 2018-06-03, § 14-529, 6-3-2018)

#### **Sec. 14-530. Establishment of tree bank.**

- (a) There is hereby established a City of Stonecrest Tree Bank (the "tree bank") for the acceptance, maintenance and disbursement of funds required to be paid pursuant to the terms of this article.
- (b) Notwithstanding anything in this article to the contrary, the tree bank may also accept funds donated for the purposes of preservation and/or replacement of the trees of the City of Stonecrest.
- (c) The ~~director of the planning and zoning department (the "director"), or the director's designee~~ community development director or his/her designee, shall have the authority to disburse funds from the tree bank, as directed by the Stonecrest City Council, for the purposes of preservation and/or replacement of the trees of the City of Stonecrest.

(Ord. No. 2021-11-03, § 1, 11-22-2021)

### **APPENDIX A**

City of Stonecrest Overstory Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer rubrum	Red Maple	October Glory, Red Sunset	Deciduous
Betula nigra	Riverbirch	Duraheat	Deciduous
Carpinus betulals	European Hornbeam		Deciduous
Carya aquatica	Water Hickory	Availability	Deciduous
Carya cordiformis	Bitternut Hickory	Availability	Deciduous
Carya glabra	Pignut Hickory	Availability	Deciduous
Carya illinoensis	Pecan		Deciduous
Carya tomentosa	Mockernut Hickory	Availability	Deciduous
Cedrus atlantica	Atlas Cedar		Evergreen
Cedrus libani	Cedar of Lebanon		Evergreen
Cedrus deodara	Deodar Cedar		Evergreen
Cryptomeria japonica	Japanese Cryptomeria		Evergreen
Fagus grandifolia	American Beech		Deciduous
Fraxinus tomentosa	Pumpkin Ash		Deciduous
Gingko biloba	Gingko	Plant male only. Autumn Bold, Fairmont	Deciduous
Ilex opaca	American Holly		Evergreen

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(Supp. No. 4)

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

Item XII. d.

Juniperus virginiana	Red Cedar	Brodie	Evergreen
Liquidambar styraciflua	Sweetgum	Limited Use-Rotundiloba (Avail.)	Deciduous
Liriodendron tulipifera	Tulip Poplar	Limited Use	Deciduous
Magnolia acuminata	Cucumbertree		Deciduous
Magnolia grandiflora	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
Magnolia virginiana	Sweetbay Magnolia		Deciduous
Metasequoia glyptostroboides	Dawn Redwood	Limited Use	Deciduous
Nyssa sylvatica	Black Gum		Deciduous
Pinus echinata	Shortleaf Pine		Evergreen
Pinus taeda	Loblolly Pine		Evergreen
Platanus occidentalis	Sycamore		Deciduous
Quercus acutissima	Sawtooth Oak		Deciduous
Quercus alba	White Oak		Deciduous
Quercus bicolor	Swamp White Oak		
Quercus coccinea	Scarlet Oak		Deciduous
Quercus falcata	Southern Red Oak		Deciduous
Quercus georgiana	Georgia Oak		Deciduous
Quercus imbricaria	Shingle Oak		Deciduous
Quercus lyrata	Overcup Oak		Deciduous
Quercus laurifolia	Laurel Oak		Deciduous
Quercus michauxii	Swamp Chestnut Oak		Deciduous
Quercus macrocarpa	Bur Oak		Deciduous
Quercus nigra	Water Oak		Deciduous
Quercus nuttalli	Nuttall Oak		Deciduous
Quercus phellos	Willow Oak		Deciduous
Quercus prinus	Chestnut Oak	Availability	Deciduous
Quercus rubra	Northern Red Oak		Deciduous
Quercus shumardii	Shumard Red Oak		Deciduous
Quercus stellata	Post Oak		Deciduous
Quercus velutina	Black Oak		Deciduous
Taxodium distichum	Bald Cypress	Shawnee Brave	Deciduous
Tilia spp.	Linden		Deciduous
Thuja x 'Green Giant'	Arborvitae	'Green Giant'	Evergreen
Thuja plicata	Giant (Western) Arborvitae		Evergreen
Ulmus americana	American Elm	Princeton and other resistant varieties	Deciduous
Ulmus parviflora	Lacebark Elm	Allee, Athena, Bosque	Deciduous
Zelkova serrata	Japanese Zelkova	Green Vase	Deciduous

City of Stonecrest Understory and Other Small Trees Acceptable for Replanting Credits

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

Scientific Name	Common Name	Recommended	Leaf Habit
<i>Acer barbatum</i>	Florida Maple		Deciduous
<i>Acer buergeranum</i>	Trident Maple	Street Wise	Deciduous
<i>Acer campestre</i>	Hedge Maple		Deciduous
<i>Acer leucoderme</i>	Chalk Maple		Deciduous
<i>Acer palmatum</i>	Japanese Maple		Deciduous
<i>Acer saccharum</i>	Sugar Maple		Deciduous
<i>Aesculus pavia</i>	Red Buckeye		Deciduous
<i>Alnus serrulata</i>	Alder		Deciduous
<i>Amelanchier x grandiflora</i>	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
<i>Aralia spinosa</i>	Devils Walking Stick		Deciduous
<i>Betula nigra</i>	River Birch	Little King	Deciduous
<i>Carpinus caroliniana</i>	American Hornbeam		Deciduous
<i>Castanea pumila</i>	Chinkapin		Deciduous
<i>Celtis tenuifolia</i>	Georgia Hackberry		Deciduous
<i>Celtis laevigata</i>	Sugarberry		Deciduous
<i>Cercidiphyllum japonicum</i>	Katsura Tree		Deciduous
<i>Cercis canadensis</i>	Eastern Redbud		Deciduous
<i>Cercis reniformis</i>	Redbud	Oklahoma	
<i>Chioanthus retusus</i>	Chinese Fringetree		Deciduous
<i>Chioanthus virginicus</i>	White Fringetree		Deciduous
<i>Cladrastis kentukea</i>	Yellowwood		Deciduous
<i>Cornus</i> spp.	Dogwood	Florida and Kousa crosses	Deciduous
<i>Cornus florida</i>	Flowering Dogwood	Aurora	Deciduous
<i>Cornus kousa</i>	Kousa Dogwood		Deciduous
<i>Crataegus</i> spp.	Hawthorn	Thornless cultivars	Deciduous
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		Deciduous
<i>Diospyros virginiana</i>	Persimmon		Deciduous
<i>Halesia carolina</i>	Silverbell		Deciduous
<i>Halesia diptera</i>	Two Winged Silverbell		Deciduous
<i>Hamamelis virginiana</i>	Witch-hazel		Deciduous
<i>Ilex</i> spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
<i>Ilex decidua</i>	Possumhaw		Deciduous
<i>Juniperus virginiana</i>	Red Cedar		
<i>Koelreuteria paniculata</i>	Golden Raintree		Deciduous
<i>Lagerstromia indica x faurieri</i>	Crape Myrtle	Tree form cultivars disease resistant and hardy, eg., Choctaw, Natchez	Deciduous

- CODE OF ORDINANCES  
Chapter 14 - LAND DEVELOPMENT  
APPENDIX A

Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen
Magnolia x loebneri	Loebner Magnolia	Merrill	Deciduous
Magnolia macrophylla	Bigleaf Magnolia		Deciduous
Magnolia soulangiana	Saucer Magnolia		Deciduous
Magnolia stellata	Star Magnolia	Star Man	
Magnolia tripetala	Umbrella Magnolia		Deciduous
Magnolia virginiana	Sweetbay Magnolia		Evergreen
Malnus floribunda	Japanese Flowering Crabapple		Deciduous
Myrica cerifera	Waxmyrtle		Evergreen
Osmanthus americanus	Devilwood		Evergreen
Ostrya virginiana	Eastern Hophornbeam		Deciduous
Oxydendrum arboreurn.	Sourwood		Deciduous
Pinus Virginiana	Virginia Pine	Slopes, Screen	Evergreen
Pistacia chinesis	Chinese Pistache		Deciduous
Prunus spp.		Okame, Autumnalis	Deciduous
Sassafras albidurn	Sassafras		Deciduous
Styrax americana	Snowbell		Deciduous
Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreum	Sparkleberry		Evergreen

City of Stonecrest Recommended Trees for Under Powerlines

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis candensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Kousa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koelreuteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man
Oxydendrum arboreum	Sourwood	
Prunus spp.		Okame, Autumnalis

Recommended Trees for Parking Lots

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	Street Wise
Acer rubrum	Red Maple	October Glory, Red Sunset
Betula nigra	River Birch	Duraheat
Chionanthus virginicus	Fringetree	
Cladrastis kentukea	Yellowwood	
Crataegus phaenopyrum	Washington Hawthorn	
Juniperus virginiana	Red Cedar	Brodie
Ilex spp.		Tree form Yaupon, Burford, Carolina #2
Lagerstromia indica x faurier	Crape Myrtle	Tree form cultivars, disease resistant and hardy, eg. Natchez, Choctaw
Nyssa sylvatica	Black Gum	
Pistacia chinensis	Chinese Pistache	
Quercus michauxii	Swamp Chestnut Oak	
Quercus nigra	Water Oak	
Quercus nuttalli	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Taxodium distichum	Bald Cypress	Shawnee Brave
Ulmus parvifolia	Lacebark Elm	Athena
Zelkova serrata	Japanese Zelkova	Green Vase

(Ord. No. 2018-06-03, app. A, 6-3-2018)

**Secs. 14-531—14-540. Reserved.**

## ***ARTICLE VII. STREAM BUFFER***

### **Sec. 14-541. Applicability.**

The stream buffer regulations of this article apply along all perennial and intermittent streams throughout the city except as expressly exempted or permitted in accordance with section 14-544, in addition to the requirements of article V of this chapter.

(Ord. No. 2018-06-03, § 14-541, 6-3-2018)

**Sec. 14-542. Purpose.**

The purpose of the City's stream buffer regulations is to preserve existing mature riparian vegetation that can provide shade, leaf litter, woody debris and erosion protection for streams.

(Ord. No. 2018-06-03, § 14-542, 6-3-2018)

**Sec. 14-543. Minimum stream buffer requirements.**

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in section 14-544.
- (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Piping of streams is not allowed in required stream buffers unless a variance is granted.

(Ord. No. 2018-06-03, § 14-543, 6-3-2018)

**Sec. 14-544. Exemptions and special administrative permits.**

- (a) *Exemptions.* The stream buffer regulations of this article do not apply to any of the following activities, provided that any activity within a state-mandated stream buffer must meet state requirements. Exemption of these activities does not constitute an exemption from any other activity proposed on a property or a requirement to obtain a building/land development permit.
  - (1) Work consisting of the usual and customary repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section. Such usual and customary repair and maintenance activities cannot create any land disturbance, and must occur within the preexisting disturbed area;
  - (2) Maintenance, including the full replacement, of existing decks, porches or similar improvements attached to a dwelling that encroach into a city stream buffer so long as the work does not increase the degree of encroachment or any nonconformity. The complete replacement of these improvements is provided for, including the replacement of stairs and all supporting beams, posts and footings subject to compliance with applicable city codes. The necessary construction of new or improved footings as required to comply with current building codes is allowable up to a maximum of 100 square feet of land disturbance;
  - (3) Construction of new decks, porches or other similar additions no more than 200 square feet in area, to existing structures without a deck, porch or similar structure, provided that such construction does not require more than 100 square feet of land disturbance and does not further encroach more than ten feet into the city stream buffer;
  - (4) Existing development and on-going land-disturbance activities including existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land-disturbance activities on such properties is subject to all applicable buffer requirements;
  - (5) Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation

- and maintenance of the utility, including, but not limited to, manholes, vents and valve structures. This exemption may not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses expressly identified in this section;
- (6) Removal of unwanted ground cover (e.g., poison ivy) using hand tools as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
  - (7) Land development activities within a dedicated transportation right-of-way existing at the time this section takes effect or approved under the terms of this section;
  - (8) Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land-disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents and valve structures;
  - (9) Emergency work necessary to preserve life or property. However, when emergency work is performed, the person performing it must report such work to the Community Development Department on the next business day after commencement of the work. Within ten business days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the Director or designee to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area;
  - (10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land-disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer;
  - (11) Activities to restore or enhance stream bank stability, riparian vegetation, water quality or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
  - (12) The removal of dead, diseased, insect-infested, or hazardous trees (without any associated land disturbance), provided the property owner provides sufficient documentation of the condition of the trees before removal, including photographs and a report by a certified arborist; and
  - (13) Multi-use trails and related improvements that are part of a City Council-approved plan. Unless otherwise approved by the State, such encroachments must be located at least 25 feet from the banks of state waters when, after study of alternative trail alignments, the Director determines that the alignment is the most desirable alternative and that they are designed to minimize impervious surfaces and incorporate BMPs and other mitigation practices that minimize the impact of encroachments on water quality. Trail improvements that are part of a City Council-approved plan are not counted as part of a site's impervious surface area for the purposes of site development-related calculations and regulations.
- (b) *Special administrative permits.* The following activities may be approved within the stream buffers required by section 14-543 by special administrative permit, pursuant to the process outlined in the Zoning Ordinance:
- (1) Stream crossings by utility lines, roads, driveways or similar transportation routes, including trails for nonmotorized transportation;
  - (2) Public water supply intake or public wastewater outfall structures;
  - (3) Land development necessary to provide access to a property;



- (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
- (5) Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high-flow velocities due to steep slopes;
- (6) Exclusive of the exemptions in subsections(a)(2) and (3) of this section, minor land-disturbing activities totaling no more than 200 square feet in area and located more than 25 feet from the stream, for the construction of decks, porches, or other additions to existing structures, and accessory structures where riparian vegetation is restored or replaced in any disturbed areas; and
- (7) Construction and land disturbance that results in the reduction or removal of impervious surfaces.

(Ord. No. 2018-06-03, § 14-544, 6-3-2018)

#### **Sec. 14-545. State-mandated stream buffers.**

See section 14-503.

(Ord. No. 2018-06-03, § 14-545, 6-3-2018)

#### **Secs. 14-546—14-550. Reserved.**

### **ARTICLE VIII. STORMWATER MANAGEMENT**

#### **Sec. 14-551. Policy.**

The Mayor and City Council find the City's stream systems are a valuable natural resource that requires joint and cooperative action by the City, the County, and the development industry to resolve existing stormwater management and flooding problems, prevention of their worsening or recurrence while utilizing this resource for the good of the entire city. The development industry and the City shall cooperate to control water quality and maintain the City's drainage and stream systems from stormwater runoff resulting from development activities.

(Ord. No. 2018-06-03, § 14-551, 6-3-2018)

#### **Sec. 14-552. General.**

- (a) *Purpose.* The regulations of this article are adopted to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. These regulations seek to meet that purpose through the following objectives:
  - (1) Establish decision-making processes surrounded land development activities that protect the integrity of the watershed and preserve the health of water resources;
  - (2) Require that new development and redevelopment maintain the predevelopment hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank

erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow-up.

(b) *Standards.*

- (1) The City of Stonecrest shall require all land development to comply with the criteria, technical specifications, and standards of the Georgia Stormwater Management Manual, as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic computations shall be those published in the Georgia Stormwater Management Manual.
- (2) Applicability. A combination of storage and controlled release of stormwater runoff shall be required for all development and construction for the entire site which meets one or more of the following criteria:
  - (A) Increases the peak rate of runoff from the site by more than one cubic foot per second for a ten-year frequency storm;
  - (B) Involves the creation, addition or replacement in redevelopment of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
  - (C) Any new development or redevelopment, regardless of size, that meets the definition of a stormwater hotspot as determined by the Director; or
  - (D) Land development activities that are smaller than the minimum applicability criteria set forth in items (A), (B) and (C) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (3) *Exemptions and waivers.* The provisions of this article shall not apply to the following activities:
  - (A) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project unless they meet one of the criteria listed above in subsection (b)(2) of this section.
  - (B) Additions or modifications to existing single-family or duplex residential structures unless it meets one of the criteria listed above in subsection (b)(2) of this section.
  - (C) Agricultural or silvicultural land management activities within areas zoned for these activities.
  - (D) Repairs to any stormwater management facility or practice deemed necessary by the Director.

- (F) If the installation of a stormwater management facility would increase downstream floodpeaks by less than one percent.
  - (G) The requirements, or portions thereof, of subsections (b)(2) and (3) of this section shall not be waived if the Director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system.
  - (H) A waiver of these minimum runoff quantity control requirements may be granted only after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics of a land disturbing activity receiving a waiver.
  - (I) Appeals from said waiver decisions may be taken to the zoning board of appeals.
- (c) *Information Required with land development permit applications.* Except as otherwise expressly exempted, land development permit applications must be accompanied by the following information:
- (1) Stormwater Management Plan in accordance with section 14-553;
  - (2) Performance bond, if applicable; and
  - (3) Applicable permit application and plan review fees.

(Ord. No. 2018-06-03, § 14-552, 6-3-2018)

### **Sec. 14-553. Stormwater management plans.**

- (a) *General.* Stormwater Management Plans must identify how post-development stormwater runoff will be controlled or managed and how the proposed project will meet all applicable requirements of this article. Plans must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the stormwater design manual.
- (b) *Information Required.* The Stormwater Management Plan must ensure compliance with the requirements and criteria in this article and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan must consist of maps, narrative and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all information required by the stormwater management site plan checklist of the stormwater design manual, including all of the following:
  - (1) Common address and legal description of site;
  - (2) Vicinity map;
  - (3) Existing Conditions Hydrologic Analysis;
  - (4) Post-Development Hydrologic Analysis;
  - (5) Stormwater management system design;
  - (6) Post-development downstream analysis;
  - (7) Construction phase erosion, sedimentation and pollution control plan;
  - (8) Landscaping and open space plan;
  - (9) Operations and maintenance plan;

- (10) Maintenance access easements;
  - (11) Inspection and maintenance agreements;
  - (12) Evidence of acquisition of applicable local and non-local permits;
  - (13) Any proposed off-site facilities.
- (c) *Existing Conditions Hydrologic Analysis.*
- (1) The existing conditions hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:
    - (i) A topographic map of existing site conditions with the drainage basin boundaries indicated;
    - (ii) Acreage, soil types and land cover of areas for each sub-basin affected by the project;
    - (iii) All perennial and intermittent streams and other surface water features;
    - (iv) All existing stormwater conveyances and structural control facilities;
    - (v) Direction of flow and exists from the site;
    - (vi) Analysis of runoff provided by off-site areas upstream of the project site; and
    - (vii) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
  - (2) For redevelopment sites, predevelopment conditions must be modeled using the established guidelines for the portion of the site undergoing land development activities.
- (d) *Post-Development Hydrologic Analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes and velocities must include all of the following:
- (1) A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;
  - (2) Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project;
  - (3) Calculation for determining the runoff values that needs to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in section 14-555;
  - (4) Location and boundaries of proposed natural feature protection and conservation areas;
  - (5) Documentation and calculations for any applicable site design credits that are being utilized;
  - (6) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
- (e) *Stormwater Management System.* The description, scaled drawings and design calculations for the proposed post-development stormwater management system must include all of the following:
- (1) A map and/or drawing or sketch of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrict or sizes;
  - (2) A narrative describing how the selected structural stormwater controls will be appropriate and effective;

- (3) Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
  - (4) A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
  - (5) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 14-555;
  - (6) Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including stormwater drains, pipes, culverts, catch basins, channels, swails and areas of overland flow; and
  - (7) Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- (f) *Post-Development Downstream Analysis.* A downstream peak flow analysis must include the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual. The capacity of the drainage systems must be analyzed to the ten percent point.
- (g) *Construction-phase erosion, sedimentation and pollution control plan.* An erosion, sedimentation and pollution control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan must also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (h) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:
- (1) The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;
  - (2) Information necessary to construct the landscaping elements shown on the plan drawings;
  - (3) Descriptions and standards for the methods, materials and vegetation that are to be used in the construction;
  - (4) Density of plantings;
  - (5) Descriptions of the stabilization and management techniques used to establish vegetation; and
  - (6) A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (i) *Operations and Maintenance Plan.* This plan must include the detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. They must identify the parts or components of a

stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

(j) *Maintenance access easements.*

- (1) In both residential and nonresidential projects, an easement at least 20 feet in width shall be required so as to provide access to all stormwater detention facilities requiring regular maintenance at the site from a public or private street for the purpose of inspection or repair by securing all the maintenance access easements needed on a permanent basis. Upon final inspection and approval, a plat or document indicating that such easements exist must be recorded and must remain in effect even with the transfer of title to the property. The access easement shall conform to the following requirements:
  - (i) The access easement shall be cleared, grubbed and graded so that it can be utilized by rubber-tired construction vehicles;
  - (ii) The minimum drive surface width shall be 15 feet;
  - (iii) The drive shall be grassed or paved;
  - (iv) The maximum slope shall be 30 percent;
  - (v) Access easements may be combined with drainage easements containing an open channel; however, the combined easement shall be a minimum of 30 feet in width and shall be wide enough for the drainage channel and the drive;
  - (vi) A drive to the bottom of the pond shall be provided when the facility is over ten feet deep from the bench elevation or the facility is wider than 50 feet as measured from bench to bench; and
  - (vii) Where the facility is completely enclosed by walls, an access ramp, ladder or stairs shall be provided into the facility to allow for inspection and maintenance activities.
- (2) The access easement to the facility shall not have a profile slope steeper than 33 percent and a cross slope of no more than ten percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten percent to the drainage facility. Fencing that complies with the requirement of section 14-554 shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of section 14-554 shall be constructed on each maintenance easement.
- (3) Every normally-dry stormwater basin, lake, or parking lot detention facility shall be completely enclosed within a drainage/access easement. The drainage/access easement shall extend at least ten feet beyond the 100-year flooding limits of the stormwater facility and shall encompass any dam, outlet structure and energy dissipation devices. A 20-foot-wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Director of Community Development.

(k) *Inspection and Maintenance Agreements.*

- (1) Unless an onsite stormwater maintenance facility or practice is dedicated to and accepted by the City, the applicant must execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that is binding on all subsequent owners of the site. The inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval, and recorded in the deed records upon final plat approval. Approval of a preliminary plat or final plat shall be acceptance of any stormwater maintenance facility or practice by the City.

- (2) The inspection and maintenance agreement must identify by name or official title the persons responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a government agency, will remain with the property owner and will pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements must be made to pass the inspection and maintenance responsibility to the appropriate successor in title. These arrangements must designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
  - (3) As part of the inspection and maintenance agreement, a schedule must be developed for when and how often routine inspection and maintenance will occur to ensure the proper function of the stormwater management facility or practice. The agreement must also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and include remedies for the default thereof.
  - (4) The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
- (l) *Evidence of acquisition of applicable local and non-local permits.* The applicant must certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (m) *Off-site facilities.*
- (1) The stormwater management plan for each land development project must provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on the property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
  - (2) A stormwater management plan showing the adequacy of the off-site or regional facility must be submitted to the Director.
  - (3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in any of the following impacts to upstream or downstream areas:
    - (i) Increased threat of flood damage to public health, life and property;
    - (ii) Deterioration of existing culverts, bridges, dams and other structures;
    - (iii) Accelerated streambank or streambed erosion or siltation;
    - (iv) Degradation of in-stream biological functions or habitat; or
    - (v) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

(Ord. No. 2018-06-03, § 14-553, 6-3-2018)

## Sec. 14-554. Design.

- (a) *Detention designs.* Detention designs may be rejected by the Director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.
- (b) *Discharge velocities.* Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved Georgia Stormwater Management Manual.
- (c) *Design storm.* The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a 100-year storm event.
- (d) *Drainage outfalls.* The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design on-site drainage facilities that result in no exacerbation of existing downstream conditions. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.
- (e) *Detention Storage.*
  - (1) The live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a 100-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
  - (2) Detention and sedimentation control facilities shall not be placed in any of the following:
    - (i) Transitional buffer zones, as defined by chapter 27.
    - (ii) Floodplains.
    - (iii) Wetlands.
    - (iv) Stream buffer zones.
    - (v) State buffer zones.
  - (3) Perforated standpipes or a French drain, in accordance with published design standards available from the Director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.
- (f) *Combined detention.* When the applicant requests and the Director determines that development and construction projects are too small, or that engineering and economic factors make combined detention or other stormwater management facilities more practical, the City may authorize the joint construction of these facilities to serve two or more properties by two or more applicants. This authorization shall be granted by the Zoning Board of Appeals upon application for approval being submitted through the Director. Where joint detention facilities serving two or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the detention facility, except upon approval of the Zoning Board of Appeals.
- (g) *Fencing.*



- (1) Permanent fencing at least six feet in height shall be required around all stormwater and sedimentation control facilities designed for temporary water storage depth of greater than four feet or those designated by the DeKalb County Board of Health as constituting a public health hazard.
- (2) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The Director may waive fencing in nonresidential areas where a pond is more than 500 feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the Director would damage the environment or affect stream flow.
- (h) *Special flood hazard area elevation contours.* In residential districts, not less than 70 percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the special flood hazard area elevation contours with the exception that lots in the RE district shall conform to requirements of the R-100 district.
- (i) *Street centerline elevations.* The profile elevation of the centerline of all public streets shall be constructed a minimum of one foot above the special hazard flood area elevation contours. The Director may grant exceptions to this provision in cases where construction of the street elevation is a special flood hazard area and elevation contours would improve drainage or reduce the effects of flooding.

(Ord. No. 2018-06-03, § 14-544, 6-3-2018)

#### **Sec. 14-555. Performance criteria.**

The performance criteria of this section apply to all stormwater management plans, unless otherwise expressly stated.

- (1) *Water quality.* All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
  - (i) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
  - (ii) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
  - (iii) Runoff from hotspot land uses and activities identified by the Director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices and pollution prevention practices.
- (2) *Stream Channel Protection.*
  - (i) Protection from stream channels of bank and bed erosion and degradation must be providing by using all of the following three approaches:
    - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
    - b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event; and
    - c. Erosion prevention measures such as energy dissipation and velocity control.

- (ii) The Director is authorized to waive the detention storage requirements of subsection (2)(i)b of this section for sites that discharge directly into piped stormwater drainage systems, larger streams, rivers, wetlands, lakes, estuaries, tidal water or other situations where flows will not have a negative impact on stream bank stability or channel integrity.
- (3) *Overbank Flooding Protection.* Downstream overbank and property protection must be provided by controlling (attenuating) the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25 year return frequency storm event must be provided.
- (4) *Extreme Flooding Protection.* Extreme flood and public safety protection must be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- (5) *Structural stormwater controls.* All structural stormwater management facilities must be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews or other means and receive approval from the Director before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities, warrant greater control than that provided by the minimum control requirements, the Director may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.
- (6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1) of this section. The applicant may, if approved by the Director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are identified in the Georgia Stormwater Management Manual.
- (7) *Drainage System Guidelines.* Stormwater conveyance facilities, which may include culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches and energy dissipaters must be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, must meet the following requirements:
  - (i) Methods to calculate stormwater flows must be in accordance with the stormwater design manual;
  - (ii) All culverts, pipe systems, and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
  - (iii) Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

- (8) *Damn design guidelines.* Any land disturbing activity that involves a site that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

(Ord. No. 2018-06-03, § 14-555, 6-3-2018)

## **Sec. 14-556. Inspection and maintenance.**

### **(a) *Inspections during construction.***

- (1) Periodic inspection of the stormwater management system construction must be conducted by the Director or conducted and certified by a professional engineer approved by the Director. Construction inspections must utilize the approved stormwater management plan for establishing compliance. All inspections must be documented with written reports that contain the following information:
  - (i) The date and location of the inspection;
  - (ii) Whether construction is in compliance with the approved stormwater management plan;
  - (iii) Variations from the approved construction specifications; and
  - (iv) Any other variations or violations of the conditions of the approved stormwater management plan.
- (2) If any violations are found, the applicant must be notified in writing of the nature of the violation and the required corrective actions.

### **(b) *Final inspections and as-built plans.*** Upon completion of a project, and before a certificate of occupancy may be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the City is required before the release of any performance bonds or financial guarantees.

### **(c) *Long-term maintenance and inspections.***

- (1) Stormwater maintenance facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.
- (2) A stormwater management facility or practice must be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director must notify the person responsible for carrying out the maintenance plan to the person specified in the inspection and maintenance agreement. The notice must specify the measures needed to comply with the agreement and the plan and must specify the time within which such measures must be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may pursue all available enforcement actions and penalties.
- (3) Inspection programs by the City may be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and join inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records;

- sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.
- (d) *Right of entry for inspections.* The terms of the inspection and maintenance agreement must provide authority for authorized city or city-contracted officials to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation.
- (e) *Maintenance responsibilities.*
- (1) Except as otherwise provided in this section, the commercial and/or multifamily residential property owner shall be responsible for the maintenance of the stormwater management facilities during grading, construction, and following final approval of the completed project. This maintenance and certification obligation shall be binding on all future owners, successors and assigns of the property.
  - (2) Stormwater management facilities in single-family residential subdivisions constructed under permits issued prior to the adoption of the City ordinance assigning maintenance responsibility will not be accepted for city maintenance unless individually approved by and at the discretion of the Zoning Board of Appeals and suitable access easements are provided.
- (f) *Records.* Parties responsible for the operation and maintenance of a stormwater management facility must provide records of all maintenance and repair to the Director.
- (g) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Director, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice is deemed sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owners of the facility for the cost of repair work, which will be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.
- (h) *Special drainage system maintenance requirements.*
- (1) Trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.
  - (2) No restriction or barriers, including fences, may be placed in the drainage system or special flood hazard areas without first obtaining a development permit. When on-site or off-site debris has accumulated within a special flood hazard area in such a manner as to interfere with the free flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the special flood hazard areas, the Director shall require the owner of the property where this debris was generated, if its source can be identified, to clear and remove the debris so as to permit the free flow of water.
  - (3) No impoundment of water which retains in excess of five-tenths (0.5) acre (in feet) of runoff may be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the applicant show that this removal will not adversely affect downstream properties.

(Ord. No. 2018-06-03, § 14-556, 6-3-2018)