

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

September 17, 2018

7:00pm.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Brenda James, Interim City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- V. ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. MINUTES:** Approval of Minutes of the City Council Meeting of September 5, 2018
- VII. PUBLIC HEARING:**
 - 1. TMOD 18-003 & 004 STVR Use Table and Regulations
 - 2. SLUP 18-005 6617 Eastbriar Drive
 - 3. AX 18-0001 6024 Covington Hwy.
- VIII. PRESENTATIONS:** Grice Consulting
- IX. AGENDA ITEMS:**
 - 4. Digital Pavement Analysis
 - 5. RFP/RFQ for SPLOST Program Management
 - 6. RFP/RFQ for Comprehensive Transportation Plan

7. Ordinance Amending Chapter 15 – Business License Article XIX Mobile Food Vendors- **First Read Only**
8. Ordinance Designating Chapter 16- Miscellaneous Provisions and Offenses- **First Read Only**
9. Resolution to Establish the Lithonia Industrial Park/Industrial Boulevard Steering Committee

X. PUBLIC COMMENTS

XI. CITY MANAGER COMMENTS:

XII. CITY ATTORNEY COMMENTS:

XIII. MAYOR AND COUNCIL COMMENTS:

XIV. ADJOURNMENT:

XV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

September 5, 2018

9:00am.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Council Member Jazzmin Cobble was absent, and the Mayor and all other Council Members were present.
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Council Member Clanton made a motion to adopt the agenda as written with Council Member Rob Turner providing the second. **The motion carried unanimously.**

- VI. **MINUTES:** Approval of Minutes of the City Council Meeting of August 1, 2018, Special Called Meeting of August 15, 2018 and City Council Minutes of August 20, 2018

Council Member Rob Turner made a motion to approve the minutes of the August 1, 2018 City Council Meeting with Council Member George Turner providing the second. **The motion carried unanimously.**

Council Member George Turner made a motion to approve the minutes of the August 15, 2018 Special Call Meeting with Council Member Clanton providing the second. **The motion carried unanimously.**

Council Member Clanton made a motion to approve the August 20, 2018 City Council Minutes with Council Member George Turner providing the second. **The motion carried unanimously.**

VII. PRESENTATIONS: None

VIII. PUBLIC COMMENTS:

Dave Marcus spoke on the Grice Construction Contract, qualification, proposals and RFQ process.

Faye Coffield spoke on signs in the city that show where it begins and ends, visit to Georgetown Guyana, people needing help in our areas and decisions or lack of on her ethics complaints.

IX. AGENDA ITEMS:

1. Ordinance Authorizing the Sale of Alcoholic Beverages on-Premises Consumption on Sundays from 11:00 a.m. until 12:30 p.m. at Certain Licensed Establishments

Attorney Laura Cosgray gave an overview of this ordinance.

Council Member George Turner explained how this bill came about and the fact that the General Assembly passed it now the city must accept or reject. He also inquired into the cost of the election. The City Clerk stated there is an estimated cost of \$15,000.00 from DeKalb County. She further explained there will be a separate ballot for the citizens of Stonecrest only for this item. Council Member George Turner asked if it is more beneficial for the city to do this later.

After much discussion Council Member Clanton made a motion to approve the Ordinance for Referendum to Authorize the sale of alcoholic beverages on premises subject to the passage of a Budget Amendment. Mayor Lary provided the second. **The motion passed with Mayor Lary and Council Members Clanton and George Turner voting yes. Council Members Adoma and Rob Turner voting no.**

2. Preliminary Review of Ethics Complaint

Attorney Winston Denmark said he was here to give his report and recommendations on the Ethic Complaints. He also asked the Mayor to excuse himself since he was named in the complaint and the Mayor Pro-Tem will preside.

Council Member Adoma asked what witnesses were named and should they also excuse themselves. Attorney Denmark said at this phase we are not entertaining witnesses, this is a preliminary review to see if the complaint goes forth on its merits.

Council Member Adoma asked if a council member is listed as a witness should they recuse themselves. The Attorney said he is not aware of anyone listed as a witness. The Mayor Pro Tem asked were there others who need to be recused and the City Attorney said it is his opinion no other members of Council need to recuse themselves.

Attorney Denmark said there are two phases to review an ethic complaint. The first is the preliminary review where the ordinance says the Mayor and Council have the authority to dismiss any ethics complaint that they determine is unjustified, frivolous or patently unfounded; substantially noncompliant with the requirements of the Ethic Article or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. Once it survives that hurdle the Mayor and Council will go into the evidentiary hearing to hear the merits of the complaint. He furthered said his role is to give you his recommendation for the preliminary review.

He said the complaint should be dismissed due to procedural defects.

1. Does not comply with the procedural requirements of the Ethics Ordinance.
2. It fails to state facts sufficient to invoke the disciplinary jurisdiction of the council.

He further said secondary the complaint fails to comply with the procedural requisites of the ethics ordinance by 1) failed to write a brief statement identifying the name and title of the official or employee whom the complaint is against, 2) Failed to have a numbered list identifying the improper act committed and 3) There was no sworn or notarized statement by the complaint.

Council Member Adoma asked if she could rescue herself and the City Attorney said any council member can rescues themselves, but he sees no reason why anyone should rescue. He said Mayor Lary is named and he had to recuse himself.

Council Member Clanton made a motion to dismiss the complaint based on the facts it failed to comply with the procedural requirements of the Ethics Ordinance and it fails to state facts sufficient to invoke the disciplinary jurisdiction of the council, based on the Ethics Code. Council Member Rob Turner provided the second.

Council Member Adoma said she would like to rescue herself because she is not sure even though she respects the opinion of Mr. Denmark she is not sure if the council is empowered to hear this ethic case. In additional Ms. Coffield is one of her constituents.

City Attorney Denmark assured Council the ethics ordinance is consistent with GMA and the law.

A vote was taken on the motion and Council Members Clanton, Rob Turner and George Turner voting yes. Council Member Adoma recused herself. **The motion carried.**

X. CITY MANAGER COMMENTS:

The City Manager said the city limit signs have been installed.

XI. CITY ATTORNEY COMMENTS:

Laura Cosgray spoke on the upcoming IGA's with DeKalb County.

XII. MAYOR AND COUNCIL COMMENTS:

Council Member Rob Turner announces District 2 monthly breakfast will be September 8th from 9:00 to 11:00 at the House of Hope 4650 Flat Shoals Parkway and the theme is Turning Georgia Blue.

Council Member Clanton announced the regular Leadership Meeting for District 1 will be Saturday, September 8, 2018 at 10:00am.

Council Member George Turner said on his way in he heard the weather report and they said Stonecrest Georgia.

Council Member Adoma said next week there is a Production Company coming and they will be touring Stonecrest and they have partnered with Keep DeKalb Beautiful. They are also looking at a youth team court.

Mayor Lary had no comments.

XIII. ADJOURNMENT:

Council Member Clanton made a motion to adjourn with Council Member Rob Turner providing the second. **The motion carried unanimously.**

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 18-0003 & 0004 STVR (Use Table and Regulations)

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 09/13/18 **Work Section:** **Council Meeting: 09/17/2018**

SUBMITTED BY: Nicole Dozier, Community Development Department
Director

PURPOSE: Amend Article IV, Section 4.2.5.8 to provide supplemental regulations for Short Term Vacation Rentals and 4.1 Use Table

HISTORY: This item was originally heard at the May City Council meeting and deferred. This item was reheard at the July City Council meeting and deferred back to Planning Commission. This item was reheard at the September 11th Planning Commission meeting was approved with recommendation of an expansion of this permitted use to R85, R75, R65, OI, and OIT.

OPTIONS: Approve; Deny; or make Alternative conditions

RECOMMENDATED ACTION:

Planning Commission recommended approval of petition TMOD 18-0003 & 0004 at the September 11, 2018 meeting with conditions.

ATTACHMENTS:

- #1 9/11/18 Staff Report
- #2 9/11/18 Use Table
- #3 9/11/18 Supplemental Regulations

TMOD 18-0003 & 0004

Attachment #1

09/11/2018

Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 11, 2018

GENERAL INFORMATION

Petition Number: TMOD 18-0003 and 18-0004

Applicant: Stonecrest Community Development Department

Project Location: City-Wide

Discussion: This is the adoption of New Article 27 Short Term Vacation Rental Ordinance, amend IV, Table 4.1 Use table a to the permitted locations of short term Vacation Rentals, Amend Article IV, Section 4.2.5.8 to provide supplemental regulations for Short Term Vacation Rentals, amend and adopt.

Discussion of the regulation and location of short-term vacation rentals within the City.

These items were heard the July 10, 2018 Planning Commission meeting and recommended for approval. On July 16, 2018 at the City Council meeting Councilmember Clanton requested the Planning Commission allow STVR to be permitted by right in all recommended districts.

Additionally some text modifications had to be made to the proposed regulations. This item is being returned for reconsideration.

TMOD 18-0003 & 0004

Attachment #2

09/11/2018

Planning Commission Use Table 4.1

Table 4.1 Use Table.

Use	KEY: P - Permitted use Pa - Permitted as an accessory use														SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)										See Section 4.2		
	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			
AGRICULTURAL																											
Agriculture and Forestry																											
Commercial greenhouse or plant nursery																P	P	P	P	P	P						✓
Temporary or portable sawmill	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	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	SA		
Animal Oriented Agriculture																											
Dairy																											✓
Keeping of livestock	P	P	P	P	P	P						P							P								✓
Keeping of poultry/pigeons	P	P	P	P	P	P						P							P								✓
Livestock sales pavilion																					P						✓
Riding academies or stables	P	P	P	P	P	P																					✓
RESIDENTIAL																											
Dwellings																											
Dwelling, cottage home							SP	SP	SP	SP	SP								SP								✓
Dwelling, mobile home												P							Pa	Pa							✓
Dwelling, multi-family									P	P	P								SP		S	SP	SP	SP	SP		
Dwelling, multi-family (supportive living)									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			S	SP	SP	SP	SP		✓
Dwelling, townhouse								P	P	P	P		SP	P							P	P	P	P	P		✓
Dwelling, urban single-family								P	P	P	P		P								P	P	P	P	P		✓
High-rise apartment											P																
Dwelling, single-family (attached)											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	P	P	P			P	P	P	P	P		
Dwelling, three-family																											
Dwelling, two-family								P	P	P	P	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											P	Pa	Pa	Pa	Pa		✓

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	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	
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									SA	SP	SP	SP	✓
Live/work unit								P	P	P	P		P	P		P	P		P	P	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	SP	SP	SP				SP	SP	SP	SP			P	P		P	P					P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP													✓
Boarding/Rooming house								SP	SP	SP															✓
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P							P	P	P	P	✓
Dormitory													Pa	P		Pa	Pa	Pa	Pa		P	Pa	Pa	Pa	✓
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓
Fraternity house or sorority house													Pa								Pa	Pa	Pa		✓
Hotel/Motel													P			P	P	P			P	P	P	P	✓
Short Term Vacation Rental	P	P	P	P	P	P	P	P	P				P	P		P	P	P		SP	P	P	P	P	✓
Nursing care facility or hospice													P	P		P	P								✓
Personal care home, community, 7 or more	SP	SP	SP	SP	SP	SP	SP			SP	SP	SP	P	P	SP	P	P				SP	SP	SP	SP	✓
Personal care home, group, 4-6	SP	SP	SP	SP	SP	SP	SP			SP	SP	SP	P	P	SP	P	P				SP	SP	SP	SP	✓
Child caring institution, group, 4-6	SP									SP			P	P		P	P		SP	SP					✓
Child caring institution, community, 7 or more								SP	SP	SP			P	P	P	P	P				SP	SP		P	✓
Senior housing	SP	SP	SP	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								✓
Shelter for homeless persons for no more than six (6) persons													SP	SP		SP	SP				SP	SP			✓
Transitional housing facility, 7-20													SP												✓
INSTITUTIONAL/PUBLIC																									

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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	
Community Facilities																										
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	✓	
Funeral home, mortuary													P	P		P	P									
Golf course or clubhouse, public or private	P	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		
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	P		
Cultural facilities								SP	SP	SP			SP	P		SP	SP	SP	SP			SP	SP	SP	SP	
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP	✓	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P	✓	
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					✓	
Swimming pools, commercial	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		
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa						P			P ^a	Pa			✓	
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			SP	SP	SP	✓	
Vocational schools													P	P		P	P	P	P		SP	SP	P	P	✓	
Specialized schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓	
COMMERCIAL																										
Automobile, boat and trailer sales and service																										

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Automobile or truck rental or leasing facilities																SP	P		P	P					✓		
Automobile brokerage													P	P		P	P		P			P	P	P	✓		
Auto recovery, storage																									✓		
Automobile repair or maintenance, minor																SP	SP		P						✓		
Automobile repair, major																	SP		P	P					✓		
Automobile sales or truck sales																SP	P		P	P					✓		
Automobile service stations															SP	SP	SP		P	P					✓		
Automobile upholstery shop																	P		P	P					✓		
Automobile wash/wax service																SP	P		P	P					✓		
Boat sales																	P		P	P					✓		
Retail automobile parts or tire store																SP	P		P	P					✓		
Service area, outdoor																	Pa		Pa	Pa					✓		
Trailer or RV salesroom and lot																SP	P		P	P					✓		
Office																											
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	✓		
Building or construction office								Pa	Pa	Pa			P	P		P	P	P			P				✓		
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P					✓		
Engineering or architecture office								Pa	Pa	Pa			P	P		P	P	P	P		P	P	P	P			
Finance office or banking								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
General business office								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
Insurance office								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
Legal office								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
Medical office								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
Real estate office								Pa	Pa	Pa			P	P		P	P	P			P	P	P	P			
Recreation and Entertainment																											
Sexually Oriented Business																				P					✓		
Drive-in theater																			P						✓		
Fairground or amusement park																			P						✓		
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P			

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		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			
Nightclub or late night establishment																	SP	SP								SP	✓	
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP																	P	P	SP							✓	
Special events facility	SP													P	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	P		
Retail																												
Alcohol outlet, retail sales, primary or accessory																	SP	SP	SP	P	P		S	SP	SP	SP	SP	✓
Apparel or accessories store																	P	P	P			P	P	P	P	P		
Art gallery													Pa	Pa	Pa			P	P	P			P	P	P	P		
Book, greeting card, or stationery store																	P	P	P	P		P	P	P	P	P		
Camera or photography																	P	P	P	P		P	P	P	P	P		
Computer or computer software store																	P	P	P	P		P	P	P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)																		P	P	P	P	P	P	P	P	P	✓	
Drive-through facilities (other than restaurants) in Activity Center character areas																						S	SP	SP	SP	SP	✓	
Drive-through facilities (other than restaurants) in all other character areas																	P	P	P	P								
Farm or garden supply store	P																	P	P	P	P	P	P	P	P	P		
Farmer's market, permanent																	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	S	SA	SA	SA	SA	✓	
Florist														Pa			P	P	P	P		P	P	P	P	P		
Fortune Telling																												
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)														Pa			P	P	P	P		P	P	P	P	P		
Fuel dealers, manufacturers or wholesalers																		P		P	P							

[2412467/1]

Zoning Ordinance of the City of Stonecrest

Table 4.1 Use Table.

Use	KEY: P - Permitted use Pa - Permitted as an accessory use														SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)										
	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	
Fuel pumps, accessory															SP	SP	SP		P	P					✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P	
Gold buying, precious metals																Pa	P	P							
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P	
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P	
Jewelry store															P	P	P	P			P	P	P	P	
Music or music equipment store (retail)															P	P	P	P			P	P	P	P	
Liquor store (see alcohol outlet)															SP	SP	SP	P	P	P	S	SP	SP	SP	✓
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P	
Office supplies and equipment store															P	P	P	P	P	P	P	P	P	P	
Pawn shop, title loan																	SP	P	P						✓
Pet supply store															P	P	P	P	P	P	P	P	P	P	
Pharmacy or drug store (see alcohol outlet)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P	P	P		P	P	P	P	
Radio, television or consumer electronics store																	P	P	P		P	P	P	P	
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P	
Retail, over 5,000 sf (see also shopping center)															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	P	
Shopping center															P	P	P	P			P	P	P	P	
Specialty store															P	P	P	P			P	P	P	P	
Sporting goods or bicycle sale																P	SP	P	P					P	
Tattoo Parlor and Piercing Studio																		P	P						
Thrift, secondhand, antique store																									
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage													P	P	P	P	P	P	P	P					
Variety store													Pa		P	P	P	P	P	P	P	P	P	P	

See Section 4.2

Table 4.1 Use Table.

Use	KEY: P - Permitted use Pa - Permitted as an accessory use												SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													
	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	
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	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	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	SA	✓
Temporary outdoor events	SA	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 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	SA	✓
Restaurant/Food establishments																										
Brewpub/Beer Growler																										
Catering establishments																										
Restaurants (acc. to hotel/motel)																										
Restaurants (non-drive-thru)																										
Restaurants with a drive-thru configuration in Activity Center character area																										✓
Restaurants with a drive-thru configuration (all other character areas)																										✓
Transportation and Storage																										
Bus or rail stations or terminals for passengers																										
Heliport																										✓
Parking, commercial lot																										✓
Parking, commercial garage																										
Taxi, ambulance or limousine service, dispatching or storage.																										✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)																										
Taxi stand																										
Services																										

Table 4.1 Use Table.

Use	KEY: P - Permitted use Pa - Permitted as an accessory use																SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)								See Section 4.2
	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	
Adult day care center - 7 or more																									✓
Adult day care facility - up to 6								SP	P	SP	SP		P		P										✓
Animal hospitals, veterinary clinic															P		P	P	P	P	P	P	P	P	✓
Animal shelter/rescue center	SP																P	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	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																	SP		P						✓
Check cashing establishment, accessory																P	P		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	P		SP	P												✓
Coin laundry								Pa	Pa	Pa					P	P	P					P	P	P	✓
Dog day care								SP	SP	SP					P	P	P					P	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 or boarding	SP																								✓
Kennel, commercial	SP																								✓
Kennel, noncommercial	SP	SP	SP	SP	SP	SP																			✓
Landscape business																									✓
Massage Establishment								Pa	Pa	P				P _a	P	P	P		P		P	P	P	P	✓
Mini-warehouse																SP	SP	P	P	P					✓
Multi-warehouse																SP	SP	P	P	P					✓
Outdoor storage, commercial																	P		P						✓
Personal services establishment								Pa	Pa	P		Pa	Pa	P _a	P	P	P		P		P	P	P	P	✓
Photoengraving, typesetting, electrotyping																									✓

Table 4.1 Use Table.

Use		KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)															
		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	
Photographic studios																	P	P	P	P	P	P	P	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage																		P	P	P	P						
Publishing or printing establishments														P	P			P	P	P	P						
Quick copy printing store														P	P	P	P	P	P	P	P	P	P	P	P	P	
Services, Medical and Health																											
Ambulance service or emergency medical services, private																		P	P	P	P						
Health services clinic														P	P	P	P	P	P	P	P						
Home healthcare service														P	P	P	P	P	P	P	P	P	P	P	P	P	
Kidney dialysis center														P	P	P	P	P	P	P	P	P	P	P	P	P	
Medical or dental laboratories														P	P	P	P	P	P	P	P				SA	SA	
Services, Repair																											
Furniture upholstery or repair; home appliance repair or service																		P	P	P	P						
Personal service, repair (watch, shoes, jewelry)																		Pa	Pa	Pa							
Service area, outdoor																											✓
INDUSTRIAL																											
Alcohol or alcoholic beverage manufacturing																					P	P					
Alternative energy production																				SP	P	P					
Automobile/truck manufacturing																						P					
Brick, clay, tile, or concrete products terra cotta manufacturing																							P				
Building materials or lumber supply establishment																				P	P						
Cement, lime, gypsum, or plaster of Parts manufacturing																											
Compressed gas fuel station																				SP	P	P					
Chemical manufacture, organic or inorganic																						P					
Contractor, general (See also Building or Construction Office)																				P	P	P	P	P	P	P	✓

Table 4.1 Use Table.

KEY: P - Permitted use Pa - Permitted as an accessory use																SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)									
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	
Contractor, heavy construction, outside storage																	P		P	P					✓
Contractor, special trade																	P		P	P					✓
Crematoriums																			P	P					
Distillation of bones or glue manufacture																				P					
Dry cleaning plant																			P	P					
Dye works																				P					
Explosive manufacture or storage																				P					
Fabricated metal manufacture																				P					
Fat rendering or fertilizer manufacture																				P					
Fuel dealers, manufactures or wholesalers																			P	P					
General aviation airport																			P	P					✓
Heavy equipment repair service or trade																	P		P	P					
Ice manufacturing plant																			P	P					
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																				P					
Industrial, heavy																			P	P					
Industrial, light																			P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P					
Leather manufacturing or processing																				P					
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		P	P	a	Pa	Pa	Pa	
Light manufacturing																			P	P					
Manufacturing, heavy																				P					✓
Manufacturing operations not housed within a building																				P					✓

Table 4.1 Use Table.

KEY: P - Permitted use Pa - Permitted as an accessory use																SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)									
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	
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																			P	P					✓
Outdoor storage, industrial																			P	P					✓
Paper or pulp manufacture																				P	P				✓
Petroleum or inflammable liquids production, refining																				P					✓
Radioactive materials: utilization, manufacture, processing or emission																				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				
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																				P	P				
Research, experimental or testing laboratories																			P	P					
Rubber or plastics manufacture																			P	P					
Salvage yard (Junkyard)																			P	P					✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																				P					✓
Smelting: copper, iron, zinc, or ore																				P	P				
Storage yard, except vehicle																			P	P					✓

Table 4.1 Use Table.

Use	KEY: P - Permitted use Pa - Permitted as an accessory use														SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)											
	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		
Storage yard for damaged or confiscated vehicles																			P	P					✓	
Sugar refineries																				P	P					
Tire retreading or recapping																			P	P						
Towing or wreckage service																			P	P						
Transportation equipment manufacture																				P						
Transportation equipment storage or maintenance (vehicle)																			P	P					✓	
Truck stop or terminal																			P	P						
Vehicle storage yard																			P	P	P					
Warehousing or Storage																			P	P	P					
COMMUNICATION – UTILITY																										
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														✓	
Electric transformer station, gas regulator station or telephone exchange																				P						
Radio or television broadcasting studio													P						P	P	P	P	P	P		
Radio or television broadcasting transmission facility																		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	P	✓	
WIRELESS TELECOMMUNICATION (cell tower)																										
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		✓	
Stealth design up to 150'								SP	SP	SP				S P	SP						S P	SP	SP	SP		✓
New support structure or stealth design up to 199'													SA						SA	SA	SA				✓	
COVs (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	S A	SA	SA	SA	SA	SA	SA	S A	SA	SA	SA	✓	
COVs (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								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	

See Section 4.2

Table 4.1 Use Table.

Use	KEY:		SA - Special administrative permit from Community Development Director	
	Pa - Permitted use		SP - Special land use permit (SLUP)	
	Pa - Permitted as an accessory use			
Monopole or attached facility in utility company's easements or rights-of-way	RE	P		
	RLG	P		
	R-100	P		
	R-85	P		
	R-75	P		
	R-60	P		
	RSM	P		
	MR-1	P		
	MR-2	P		
	HR-1,2,3	P		
	MHP	P		
	RNC	P		
	OI	P		
	OIT	P		
	NS	P		
	C-1	P		
	C-2	P		
	OD	P		
	M	P		
	M-2	P		
	MU-1	P		
	MU-2	P		
	MU-3	P		
	MU-4,5	P		
	See Section 4.2	✓		

TMOD 18-0003 & 0004

Attachment #3

09/11/2018

**Planning Commission
STVR Supplemental Regulations**

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,
AMENDING CHAPTER 27, ARTICLE IV ADDING SUPPLEMENTAL USE
REGULATIONS FOR SHORT TERM VACATION RENTALS**

WHEREAS, the City of Stonecrest is authorized to exercise the power of zoning Ga. Const. Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's general police powers, and by other powers and authority provided by federal, state and local laws applicable hereto; and

WHEREAS, the City of Stonecrest continues to exercise its zoning powers to provide comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, as the City of Stonecrest experiences growth and gains knowledge through the exercise of these powers, it is necessary to and, amend, and/or remove certain requirements in the Zoning Ordinance; and

WHEREAS, the City of Stonecrest recognizes necessity of implementing regulations which protect the health, safety and welfare of its citizens as well as tourists in the city who choose alternative accommodations, such as Short Term Vacation Rentals.

WHEREAS, the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances;

WHEREAS, the City of Stonecrest has advertised and held public hearings on _____ and _____ on the adoption of the amendment to Chapter 27, Article IV.

WHEREAS, this Ordinance seeks to regulate Short Term Vacation Rentals through its substantial zoning powers to ensure a safe, healthy, and aesthetically pleasing community for the citizens and visitors of the City of Stonecrest, Georgia.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding Chapter 27, Article IV, Section 4.2.58 – Short Term Vacation Rental, which reads as follows:

4.2.58 – Short Term Vacation Rental

The following applies to all Short Term Vacation Rentals ("STVR"):

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 (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes ~~by more than one (1)~~two (2) occupant shall contain at least ~~fifty (50)~~one hundred twenty (120) additional 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. Maximum occupancy for an STVR at any point in time shall not exceed the occupancy as determined by one person per every one hundred and fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant, or the occupancy limits set by the fire code adopted by the City, whichever is less.~~
- G. There shall also be provided at least one (1) off-street parking space for each bedroom used as a part of the STVR.
- H. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- I. 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.
- J. A diagram depicting two evacuation routes shall be posted on or immediately adjacent to every required egress door.
- K. 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.
- L. 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 institutions. 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.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City 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 City 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.
3. 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 City 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 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.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

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119
120
121
122
123
124
125
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Attest:

City Attorney

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP 18-005 6617 Eastbriar Drive

() ORDINANCE () POLICY () STATUS REPORT
() DISCUSSION ONLY () RESOLUTION (X) OTHER

Date Submitted: 09/13/18 Work Section: Council Meeting: 09/17/2018

SUBMITTED BY: Nicole Dozier, Community Development Department
Director

PURPOSE: 1) The applicant is requesting a Special Land Use Permit to operate a child day care for four (4) to six (6) children.

HISTORY: This item was originally administratively deferred at the Sep 11TH Planning Commission Meeting

OPTIONS: Approve; Deny; or make Alternative conditions

RECOMMENDATED ACTION:

Staff recommended approval of petition SLUP 18-005 at the September 11, 2018 meeting with conditions. Planning Commission recommended approval of petition SLUP 18-005 at the September 11, 2018 meeting with conditions.

ATTACHMENTS:

- #1 9/11/18 Staff Report
- #2 9/11/18 PowerPoint Presentation

SLUP 18-005

Attachment #1

09/11/2018

Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 11, 2018

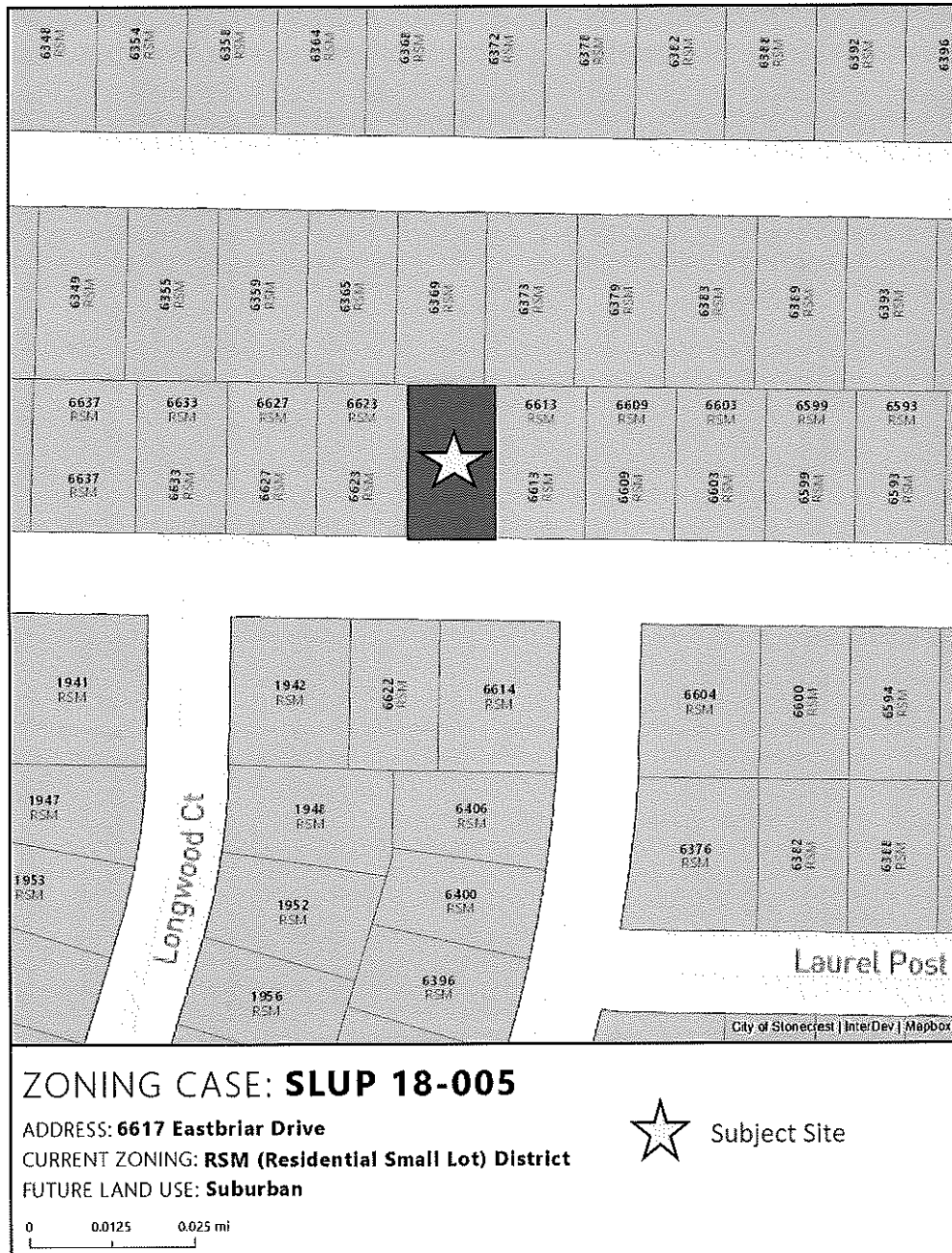
GENERAL INFORMATION

Petition Number:	SLUP 18-005
Applicant:	Riva Usher 6617 Eastbriar Drive, Stonecrest GA 30058
Owner:	Riva Usher
Project Location:	6617 East Briar Drive, Stonecrest, Ga 30058
District:	District 5
Acreage:	0.139 Acres
Existing Zoning:	Small Lot Residential (RSM)
Proposed Zoning:	Small Lot Residential (RSM)
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit (SLUP) to operate a child care home, for 4-6 residents with in an RSM (Small Lot Residential Mix) District, in accordance with Chapter 27-Article 4.1 Use Table and Sections 4.2.41. D & E of Stonecrest Zoning Code.
Staff Recommendations:	Approval of SLUP 18-005 with conditions.
Planning Recommendation:	Approval of SLUP 18-005 with conditions.



PLANNING COMMISSION STAFF REPORT

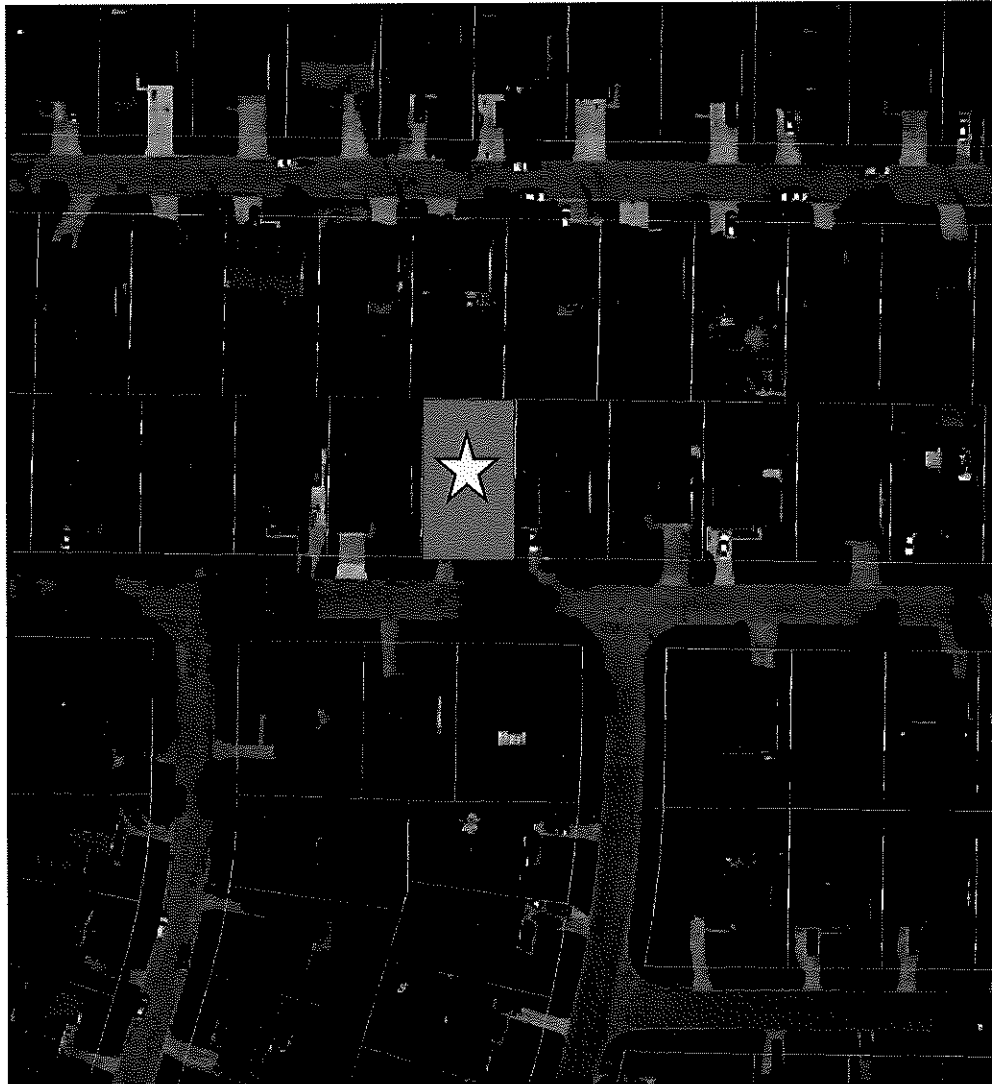
Zoning Map





PLANNING COMMISSION STAFF REPORT

Site Aerial Map



ZONING CASE: SLUP 18-005

ADDRESS: 6617 Eastbriar Drive

CURRENT ZONING: RSM (Residential Small Lot) District

FUTURE LAND USE: Suburban



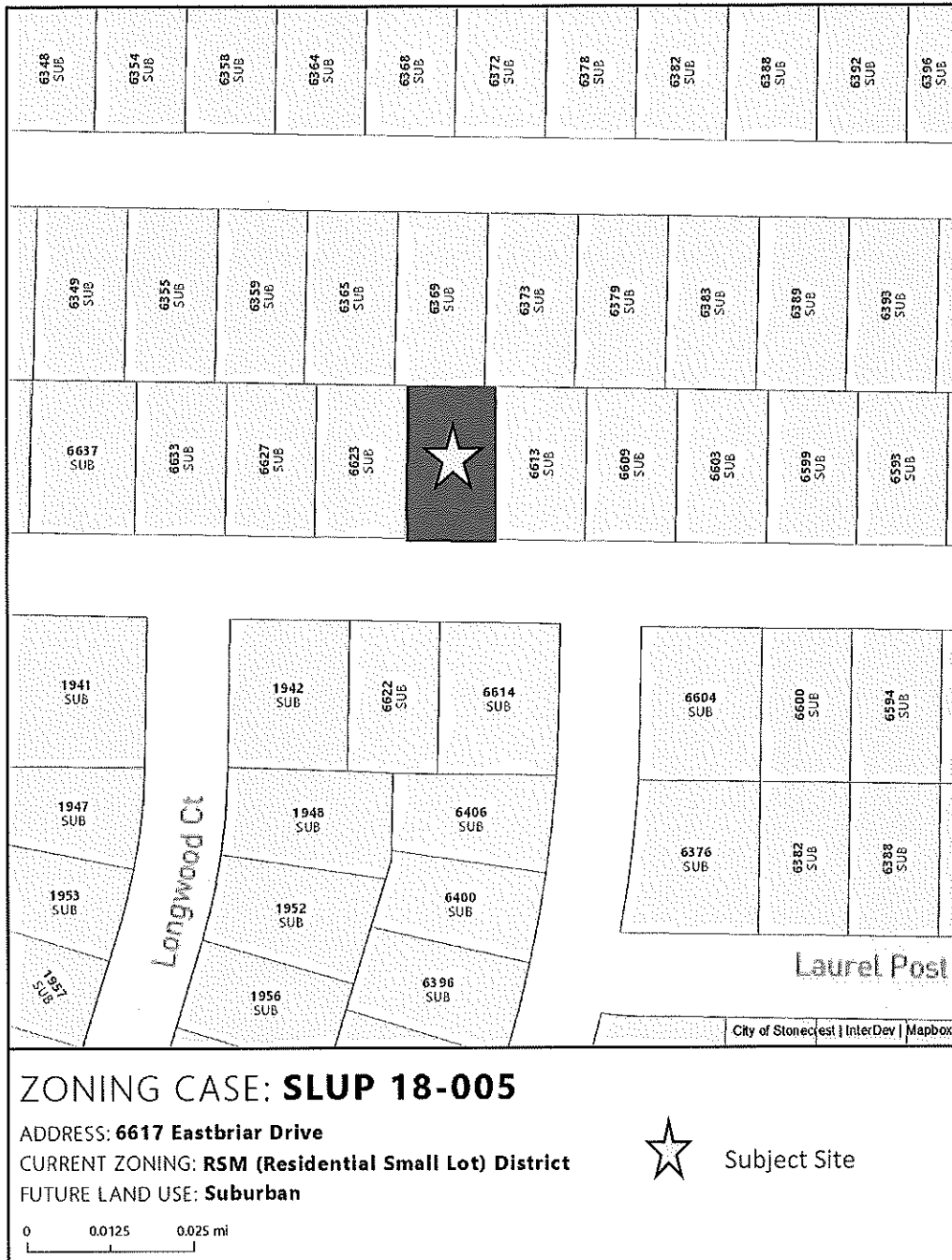
Subject Site

0 0.0125 0.025 mi



PLANNING COMMISSION STAFF REPORT

Future Land Use Map



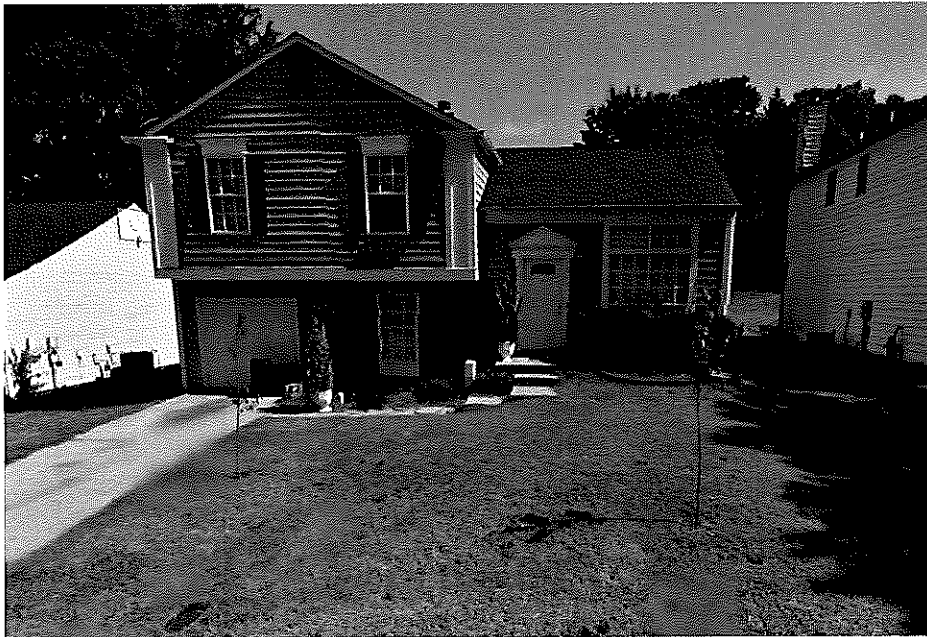


PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

The subject site is an existing single-family residence located at 6617 Eastbriar Drive and is part Philips Creeks subdivision. The site is zoned Small Lot Residential Mix District (RSM) with a 5,000 square foot minimum lot area. Located on the 0.1 acres, the residence is 1,438 -square foot single-family craftsmen style structures. Access is via existing driveway on East Briar Drive. Existing residence is surrounded by single-family residences.

Front elevation of the subject property.



The applicant is requesting a Special Land Use Permit to operate a child caring institution. The applicants intend to establish a child day care home for four (4) to six (6) children ages 0 to 12 months. The hours of operation for the business will be from 6:00 pm to 6:00 am. The applicant intends to be the only employee for the daycare.

The site has minimal mature hardwood vegetation except for one sapling located in the front yard. The topography is characterized as flat. The surrounding property is characterized as residential and commercial uses.

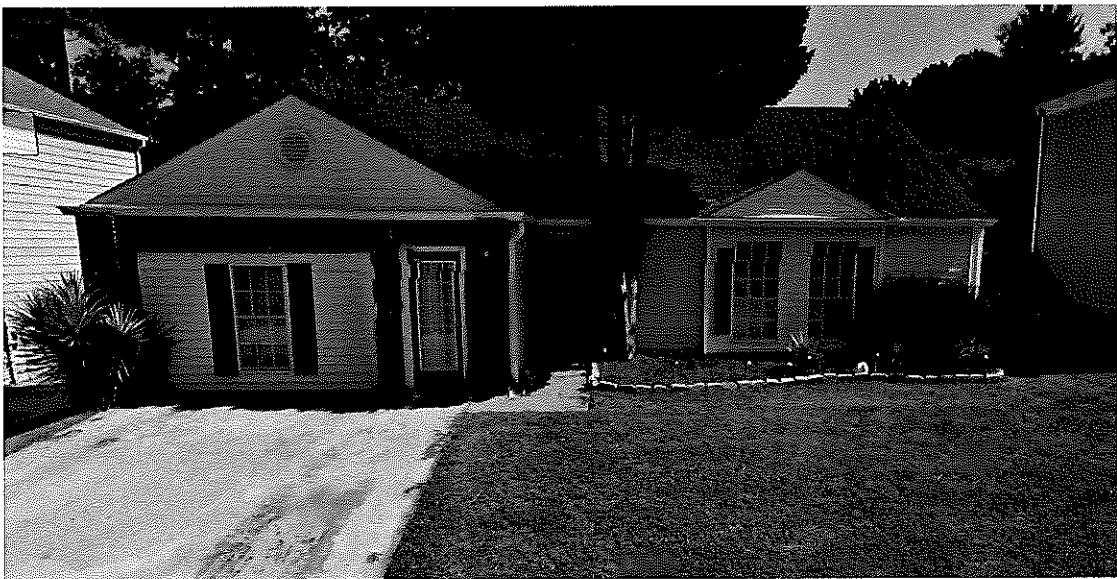


PLANNING COMMISSION STAFF REPORT

Single-Family Home to the East of the subject property.



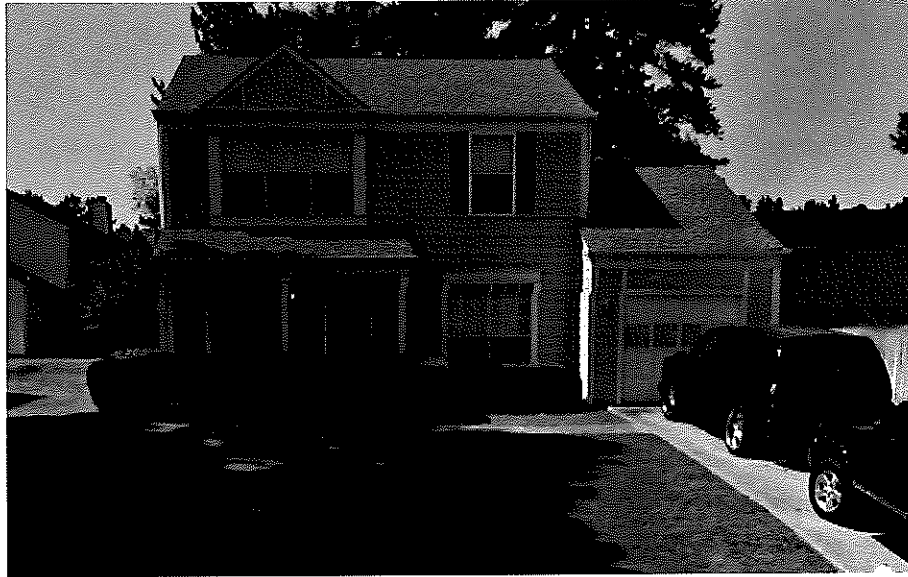
Single-Family Home to the West of the subject property.





PLANNING COMMISSION STAFF REPORT

Single-Family Home located South of the subject property.



Single-Family Located to the North of the subject property.





PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the 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.**

The approximately 1,444 square foot residence on 0.1 acres is adequate for the operation of child caring institution.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed daycare for six (6) person is compatible with another single-family residence. There will be no outside physical changes to the existing single-family structure or signage indicating the use is daycare.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The subject property located in an established single-family residential neighborhood, it appears that there are adequate public services, public facilities, and utilities to serve the proposed daycare.

- 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.**

Eastbriar Drive is a local street, the Planning Staff believes little or no impact on the public streets or traffic in the area since the applicant hours of operation are not during peak hours nor will the business generate many trips.

- E. Whether 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.**

Traffic of the vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

- 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 a fire or another emergency.**

The existing residential structure on the site is accessed by vehicles via an existing curb cut with a driveway on Eastbriar Drive. Emergency vehicles can access the site from the existing driveway. Approximately four cars can park on the subject site along with the two-car garage.

- 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.**



PLANNING COMMISSION STAFF REPORT

The proposed use may not create an adverse impact upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration,

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.

Per the information submitted with the application, the day care home will operate during the time of 6 pm to 6 am. Since the hours of operation will not be during the peak hours staff believe there will be no adverse impact upon the adjoining land uses.

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.

The operation of the child caring institution of (6) residents will not affect the adjoining single-family residence on Eastbriar Drive. The site will operate basically as a single-family residence with an adult supervisor for the six children.

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.

It appears the request is consistent with the requirements for the RSM Zoning classification in which the use is proposed to be located.

K. Whether the proposed use is consistent with the policies of the comprehensive plan.

The proposal is consistent with the following policy for the Stonecrest Comprehensive Plan as the proposed use is providing community service to the community.

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.

No buffers or transitional buffers are required, this consideration is not applicable.

M. Whether there is adequate provision of refuse and service areas.

The adequate refuse area will be provided. A garbage roll cart will be located at the rear side of the residence and will be picking up according to the DeKalb County Sanitation schedule.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff believes there is no compelling reason for limiting the duration of the requested Special Land Use Permit.

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.



PLANNING COMMISSION STAFF REPORT

The child caring institution would be in an existing residential structure which is consistent in size, scale and massing with adjacent surrounding single-family residence in the area. This consideration is not applicable.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

This use will not adversely affect any 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.

It appears the home currently satisfies the supplemental regulations of the Stonecrest Zoning Ordinance. Georgia Department of Early Care and Learning website indicates that there are no other day care homes within 1,000 feet of the subject property.

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.

Since the proposed home will not change in height this consideration is not applicable.

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.

The proposed use would be consistent with the needs of the of the community as a whole and is it compatible with the neighborhood. The use also would not conflict with the overall objective of the comprehensive plan.



PLANNING COMMISSION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	RSM (Small Lot Residential Mix) District	Residential (Single-Family Residence)	N/A
Adjacent: West	RSM (Small Lot Residential Mix) District	Residential (Single-Family Residence)	N/A
Adjacent: East	RSM (Small Lot Residential Mix) District	Residential (Single-Family Residence)	N/A
Nearby: South	RSM (Small Lot Residential Mix) District	Residential (Single-Family Residence)	N/A

The surrounding area is characterized as being part residential developments. Adjacent to the north, west, and east of the property are residential homes which are zoned RSM. Across Eastbriar Drive to the South is another residential home which zoned RSM.

RSM (Small Lot Residential Mix) was designed to provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods. The policies for this zoning is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options. Since the applicant proposed use will not change the character of the area and will still operate as an existing single-family residence, the applicant is in harmony with the zoning district.

The City Stonecrest Future Development Map as shown on page 77 of Stonecrest Comprehensive Plan identifies the subject property as being within Suburban Character Area. The intent of the Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. The applicant proposed use will not change or alter the established single-family residential development, therefore it meets the intent of the Comprehensive Plan.

The proposed Special Land Use permit is consistent in use and scale with the surrounding uses. Staff believes the proposed use is suitable in view of the use and development of adjacent and nearby properties. The proposed use is in keeping with the policies and intent of the Comprehensive Plan, the proposed use would be suitable in view of its impacts on the adjacent and nearby property. The Department of Community Development recommends **APPROVAL of SLUP 18-005**.



PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

Staff recommends the *approval of SLUP-18-005* with the following conditions;

1. The applicant must apply for a business license as required by the city of Stonecrest.
2. The applicant must comply with the requirements of Sec. 4.2.19. - Child day care facility of the Stonecrest zoning ordinance.
3. Pick up and drop off children must not interfere with the traffic patterns of residents leaving for work and returning to the area.

PLANNING COMMISSION RECOMMEDATION

Planning Commission recommends the *approval of SLUP-18-005* with the following conditions;

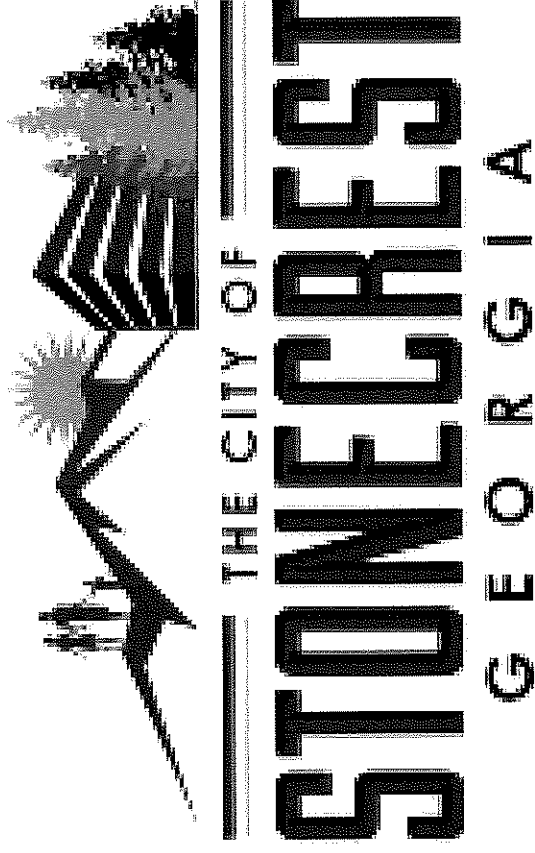
1. The applicant must apply for a business license as required by the city of Stonecrest.
2. The applicant must comply with the requirements of Sec. 4.2.19. - Child day care facility of the Stonecrest zoning ordinance.
3. Pick up and drop off children must not interfere with the traffic patterns of residents leaving for work and returning to the area.

SLUP 18-005

Attachment #2

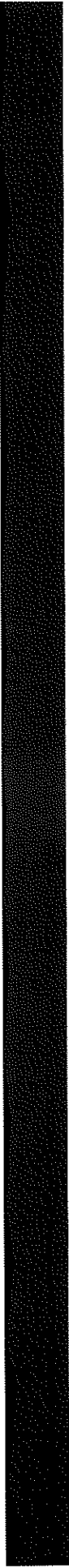
09/11/2018

**Planning Commission PowerPoint
Presentation**



SLUP 18-005

**6617 Eastbriar Drive, Stonecrest
GA 30038**



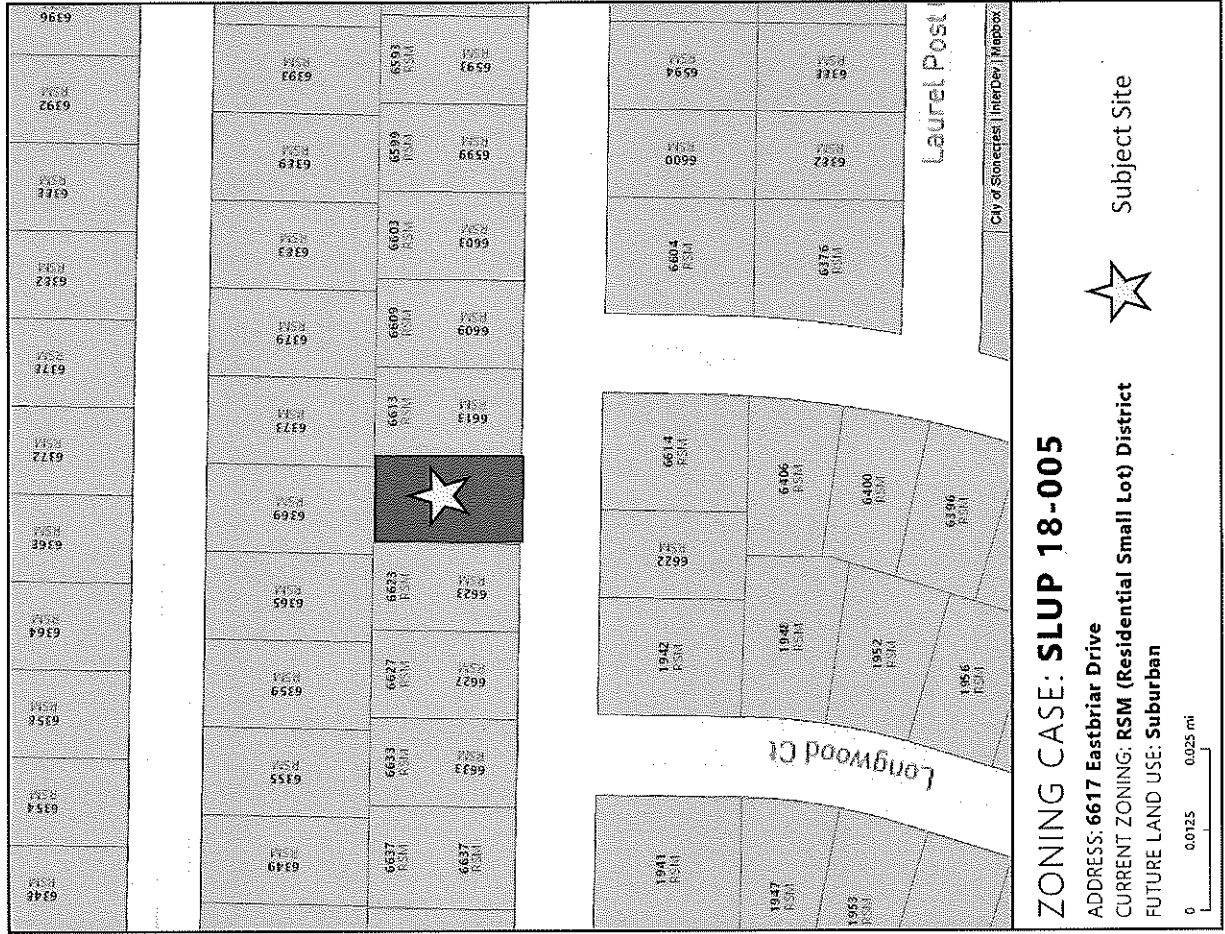
Petition Information

- **APPLICANT:** Riva Usher
- **LOCATION:** 6617 Eastbriar Drive
- **ACREAGE:** 0.139 acres
- **REQUEST:** The applicant is requesting a Special Land Use Permit (SLUP) to operate a child care home, for 4-6 residents with in an RSM (Small Lot Residential Mix) District.

General Information

- Current zoning: R-100 (Residential Med Lot) District
- Future Land Use Character Area: Suburban.
- Policies for this area emphasize:
 - Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density.
 - The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents.
- Surrounding uses: Residential
- Surrounding zoning: R-100

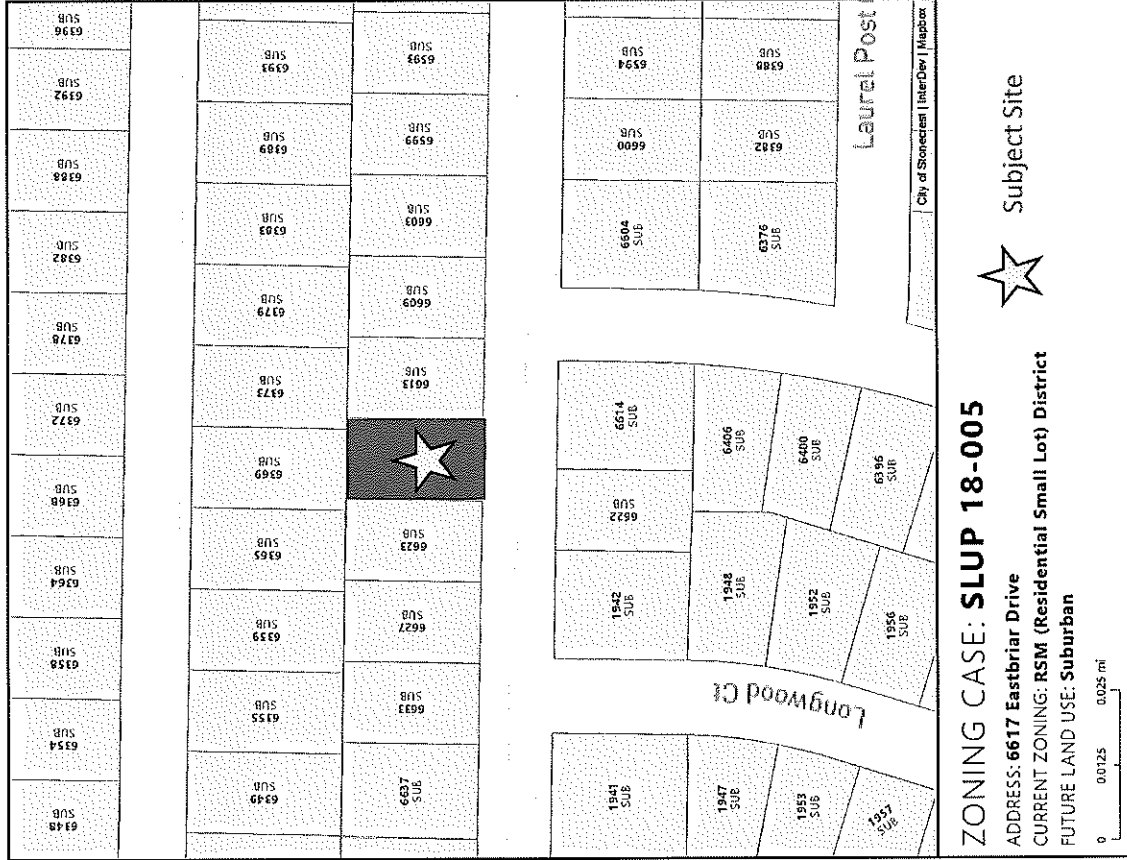
Zoning Map



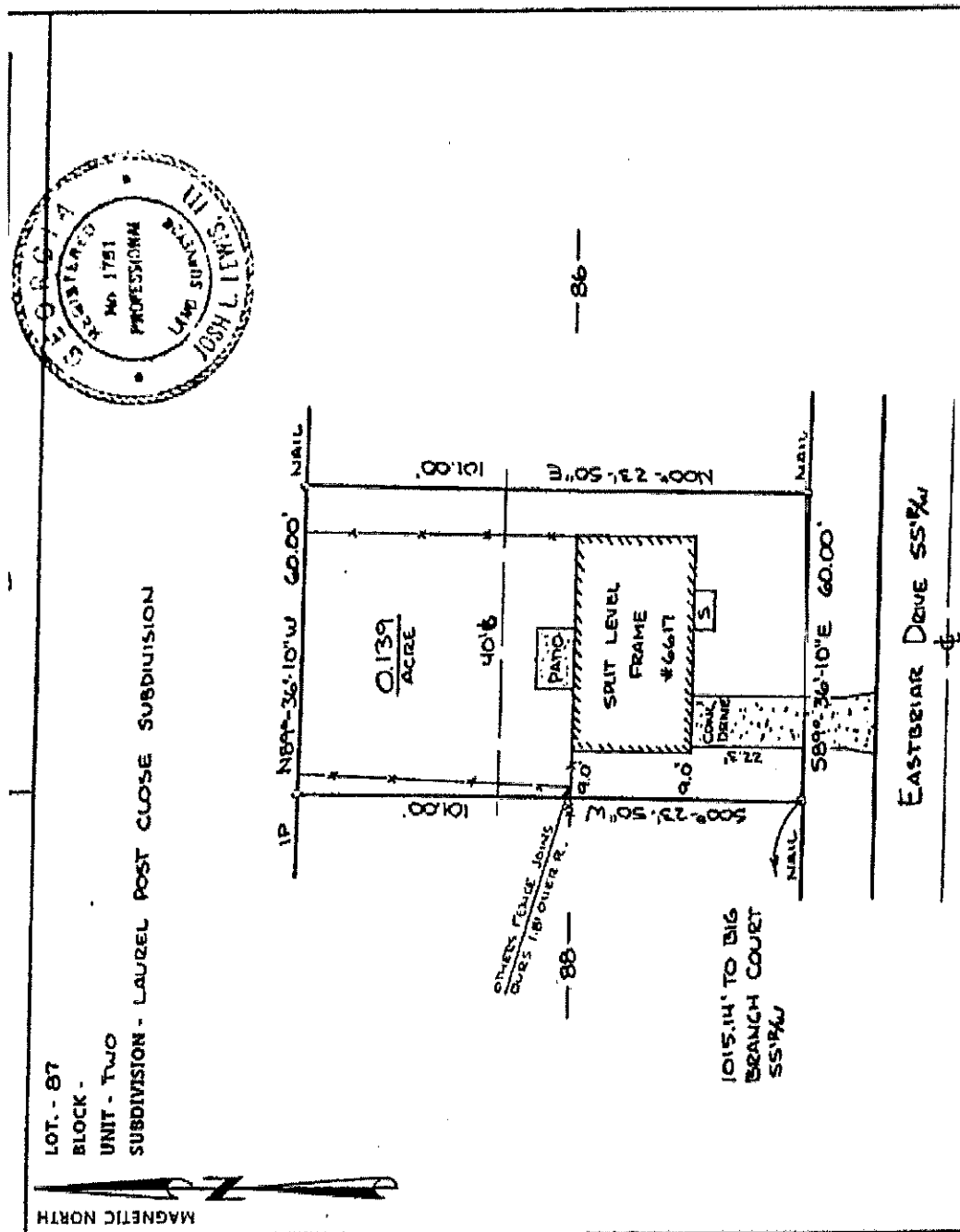
Aerial Map



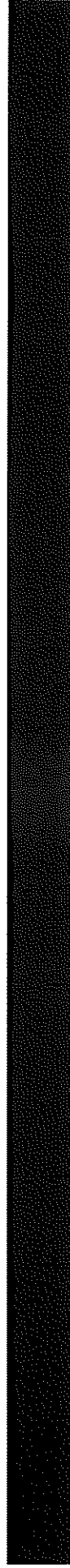
Future Land Use Map



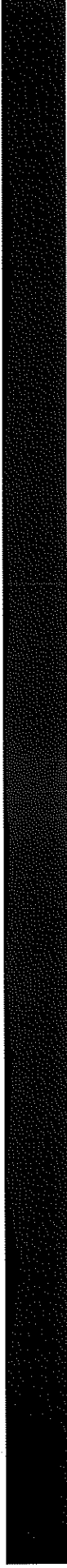
Survey of subject property



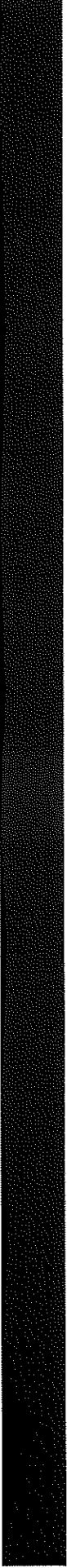
Front Elevation and Façade



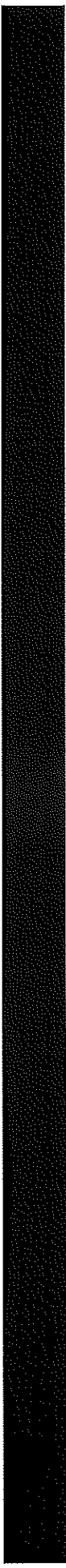
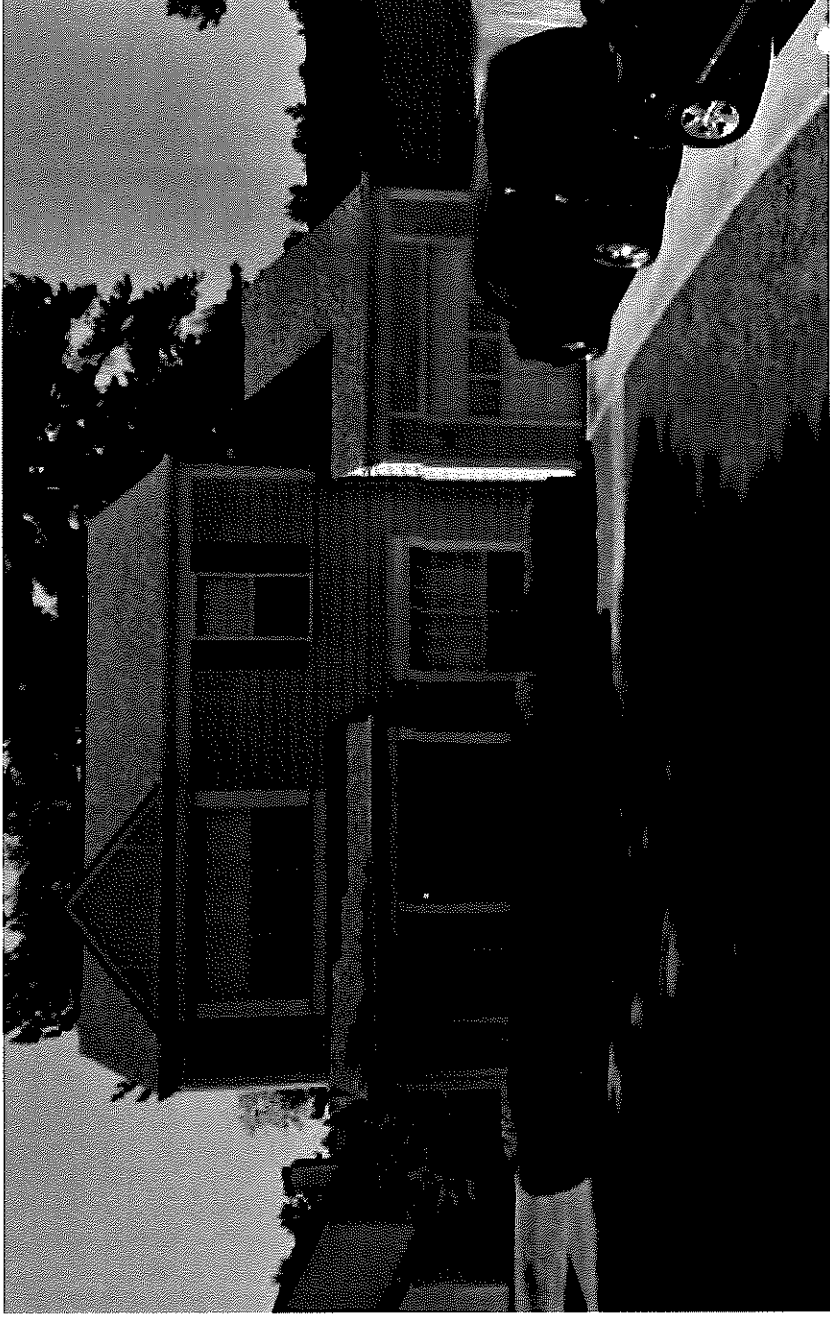
Single Family Home located to the East of the subject property



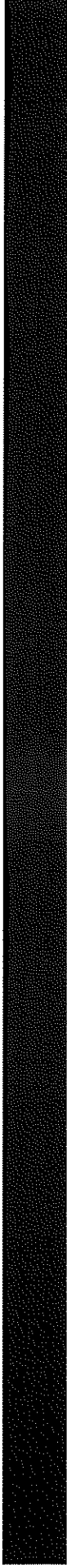
Single Family Home located to the West of the subject property.



Single Family Home located to the South of the subject property



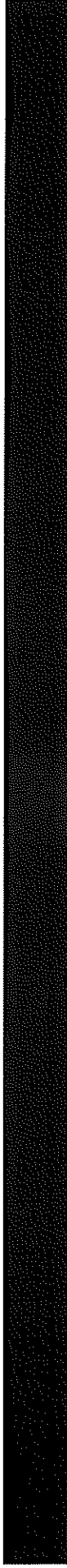
Single Family Home located to the North of the Subject Property



Staff Analysis

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.
- The proposed development would not alter the established residential development but would be in harmony as intended by the comprehensive plan.



Planning Commission

Recommendation

Based upon the findings and conclusions herein, Staff recommends

APPROVAL of this request:

1. The applicant must apply for a business license as required by the city of Stonecrest.
2. The applicant must comply with the requirements of Sec. 4.2.19. - Child day care facility of the Stonecrest zoning ordinance.
3. Pick up and drop off children must not interfere with the traffic patterns of residents leaving for work and returning to the area.



CITY COUNCIL AGENDA ITEM

SUBJECT: AX 18-0001 6024 Covington Hwy

() ORDINANCE () POLICY () STATUS REPORT

() DISCUSSION ONLY () RESOLUTION (X) OTHER

Date Submitted: 09/13/18 Work Section: Council Meeting: 09/17/2018

SUBMITTED BY: Nicole Dozier, Community Development Department
Director

PURPOSE: 1) The applicant is requesting to Annex (AX) 11.63 acres of land into the city of Stonecrest. 2) The applicant is requesting to rezone the property in its entirety (24.214 acres) to MR-2 (Med. – Density Residential).

HISTORY: This item was originally administratively deferred at the Aug 7TH Planning Commission Meeting

OPTIONS: Approve; Deny; or make Alternative conditions

RECOMMENDATED ACTION:

Staff recommended approval of petition AX 18-0001 at the September 11, 2018 meeting with conditions. Planning Commission recommended approval of petition AX 18-0001 at the September 11, 2018 meeting with conditions.

ATTACHMENTS:

- #1 9/11/18 Staff Report
- #2 9/11/18 PowerPoint Presentation

AX 18-0001

Attachment #1

09/11/2018

Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 11, 2018

GENERAL INFORMATION

Petition Number: AX 18-0001

Applicant: Halpern Enterprises

Owner: Halpern Enterprises

Project Location: 6024 Covington Hwy Stonecrest GA

District: 2

Acreage: 11.63 acres

Existing Zoning: C-1 Local Commercial /MU-5 Mixed-Use Very High Density

Request: (1) The applicant is requesting to annex 11.63 acres of land into the City of Stonecrest.

(2) In addition, the applicant is requesting to rezone the property in its entirety (24.214 acres) to MR-2 (Med.-Density Residential)

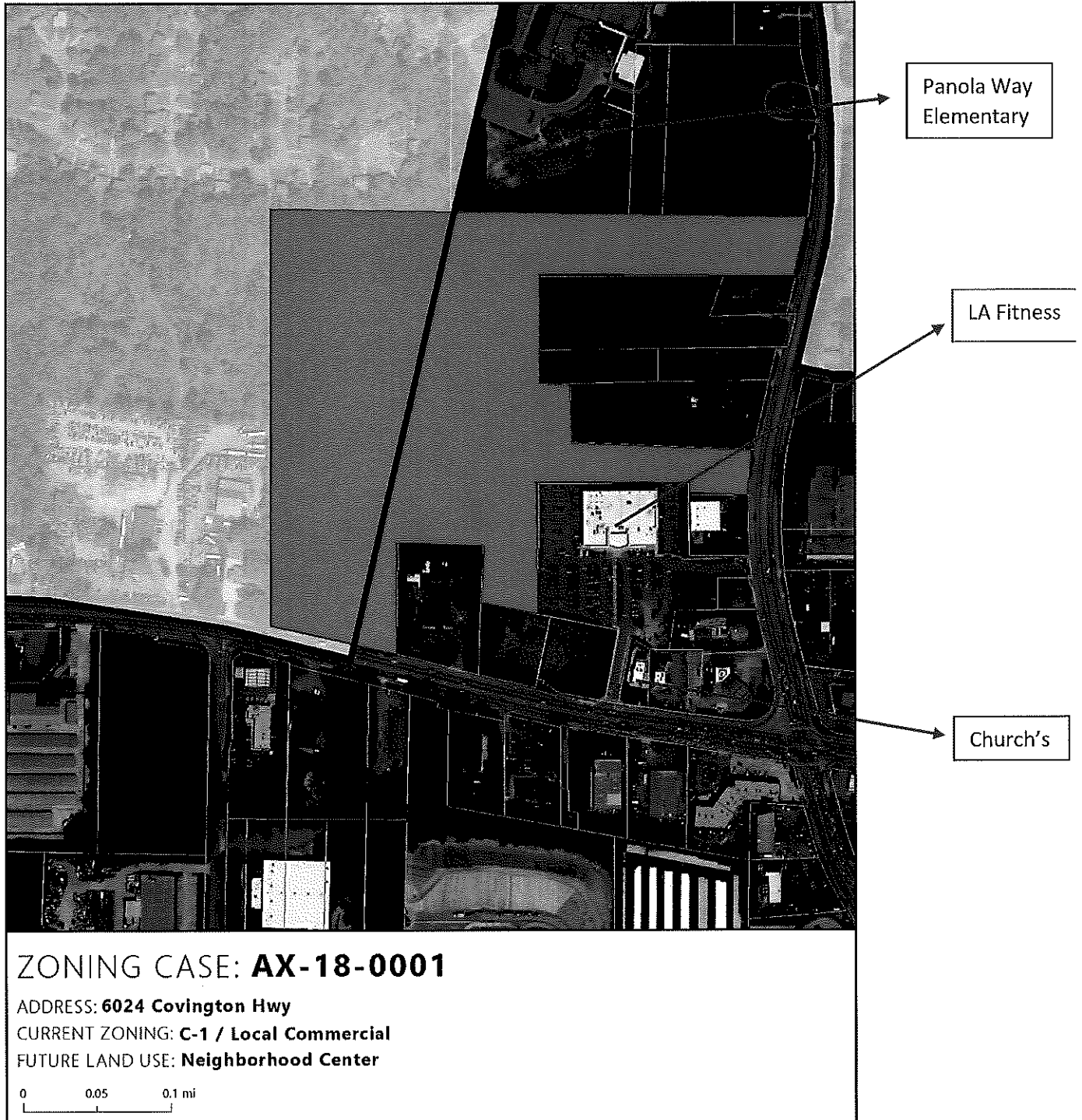
Staff Recommendations: Approval with conditions

Planning Commission Recommendation: Approval with conditions



PLANNING COMMISSION STAFF REPORT

SITE MAP





PLANNING COMMISSION STAFF REPORT

ZONING MAP



ZONING CASE: **AX-18-0001**

ADDRESS: **6024 Covington Hwy**

CURRENT ZONING: **C-1 / Local Commercial**

FUTURE LAND USE: **Neighborhood Center**

0 0.05 0.1 mi



PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**
The zoning proposal is in conformity with the policy and intent of the comprehensive plan. Townhomes are a primary land use in the Future Land Use for this area. This area promotes reduced auto usage and concentration of retail activities in a walkable area.
- **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.**
The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. There are connections to the neighboring parcels. The objective would be to promote walkability between the different uses.
- **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**
The subject property has a reasonable economic use as currently zoned. The site is zoned for mixed use with provides the greatest possibility for mixed use development that the city highly encourages.
- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties in an adjoining governmental jurisdiction.**
Part of this property is in Dekalb County. As per this approval the entire site will be moved into the City of Stonecrest limits. The proposed use will not adversely affect the existing use or usability of adjacent or nearby property. The adjacent Dekalb property is zoned residential on the northern portion and Commercial to the southern part.
- **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.**
There are six (6) prior zoning cases with several Dekalb County conditions that are applicable to this property. The conditions have been reviewed and modified for this current proposal.
- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**
This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.
- **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.**



PLANNING COMMISSION STAFF REPORT

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. (see availability letters in application, Attachment #2)

- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

This use will not adversely impact the environment or surrounding natural resources in the city of Stonecrest.

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
North	RSM/ R100 Small Lot Residential Mix/Residential Med	Single-Family Dwellings/ Elementary School
South	C-1 (Local Commercial)	Commercial Shopping Center
East	R-100 (Residential Med.)	Single Family Dwelling
West	RSM / C-2 / O-I (Small Lot Res./General Commercial/Office Institutional)	Single-Family Dwellings

This site is located in the I-20 Overlay District Tier # 2. The purpose of the Tier is to allow medium-intensity residential units in a mixed-use development project. The maximum height shall not exceed eight (8) stories and allows for up to forty (40) dwellings to the acre. All buildings must adhere to the setback requirements of the I-20 Overlay Section 3.33.9.

The surrounding properties are a combination of uses that are currently permitted on this split zoned site. The existing zoning on the site is C-1 and MU-5. MU-5 allows for uses permitted with in all zoning districts with density, design, and dimensional requirements.

Dekalb County has submitted their comments (see Attachment #1) and the applicant has obtained their utility approval letters (see Attachment #2).

The site is currently undeveloped with access to Panola Rd and Covington Hwy.



PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

Staff recommends **approval of AX 18-0001** to annex 11.63 acres into the city and rezone the property to MR-2 (Med-Density Residential) with the following conditions:

1. An opaque 8' fence shall be installed along the interior of the eastern boundary of the subject property adjacent to residential zoning.
2. The front and sides of the buildings shall predominantly consist of brick. The townhomes shall adhere to Section 5.7.6 - Single Family Attached buildings.
3. The following uses shall not be permitted on this property: self-storage or mini warehouses, liquor and or package stores, pawn shops, pool hall and sports bar, adult entertainment or bookstores etc., check cashing, nightclubs skating rink, indoor and outdoor recreation.
4. For the commercial portion of the site to the southern part of the property:
 - b. Orientation of the building entrances shall be along Covington Highway and are subject to GDOT approval.
 - c. Provide pedestrian connectivity to the residential development.
 - d. Screen parking area along Covington Hwy with a continuous hedge not to exceed three (3) feet in height.
 - e. Provide outside trash receptacles for patrons.
 - f. Screen roof-top equipment.
 - g. All lighting used in this portion shall be high pressure sodium design and have a controlled foot print to minimize glare to adjacent residential properties.
5. Monument signage shall be used for this project and shall contain brick.
6. All refuse areas shall be located to the rear of the site and screened with an enclosure of similar building material to match the primary structures.
7. The development shall be limited to one (1) full access driveway and one (1) right in / right out only driveway on Panola Road. The location of said entrances are dependent on adequate spacing and sight distance, and subject to the approval of the Stonecrest City Engineer.
8. Owner/Developer shall construct a deceleration lane at the site entrances on Panola Road, subject to the approval of the Stonecrest City Engineer.
9. Owner/Developer shall install five foot (5') wide ADA compliant sidewalks along the entire frontage of Panola Road.



PLANNING COMMISSION STAFF REPORT

10. Owner/Developer shall install five foot (5') wide ADA compliant sidewalks along both sides of all internal streets.
11. Proposed private streets shall be constructed to public standards.
12. A minimum of twenty-foot (20') setback is required from the back of sidewalk to the face of structure in order to accommodate a parked vehicle in the driveway.
13. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
14. Owner/Developer shall comply with the City of Stonecrest Tree Protection Ordinance concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
15. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends the *approval of AX-18-0001* with the following conditions;

1. The Subject Property shall be developed for no more than 170 single family attached townhome units in substantial conformity with the Site Zoning Plan for Rocklyn Homes dated May 23, 2018, submitted to the City of Stonecrest Planning Department on July 13, 2018.
2. An opaque 8-foot wooden fence shall be installed along the exterior boundary lines of the Subject Property adjacent to all residentially zoned property. The use of barbed wire, or razor wire shall be strictly prohibited. Additionally, chain-link fencing shall only be permitted around the perimeter of the detention pond and shall be screen from view from all public and private streets.
3. The front façades of the townhomes shall consist of a minimum of 50% brick and/or stone. Hardi-plank siding is permitted on all sides. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, brick, natural stone, terra cotta, stucco or wood. The use of vinyl siding on any façade of the townhomes is strictly prohibited.



PLANNING COMMISSION STAFF REPORT

4. Only brick monument signage shall be permitted.
5. The development shall be limited to one (1) full access driveway and one (1) right in/right out only driveway on Panola Road. The location of said entrances are dependent on adequate spacing and sight distance, and subject to the approval of the Stonecrest City Engineer.
6. Owner/Developer shall construct a deceleration lane at the full access entrance on Panola Road, subject to the approval of the Stonecrest City Engineer.
7. Sidewalks shall be installed by the Owner/Developer along all frontage of the Subject Property on Panola Road. The sidewalk shall be located five (5) feet from the curb and shall be ten (10) 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 Stonecrest City Engineer may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.
8. Owner/Developer shall install five (5) foot ADA compliant sidewalks along both sides of all internal streets/driveways. If the pathway crosses a driveway or internal street, it shall be clearly marked with striping, pavers, or a raised crosswalk.
9. All proposed private streets shall be constructed to City of Stonecrest public street standards.
10. A minimum twenty-foot (20) setback is required from the back of sidewalk to the garage door to accommodate a parked vehicle in the driveway.
11. Owner/Developer shall provide detention, water quality and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition. 2
12. Owner/Developer shall comply with the City of Stonecrest Tree Protection Ordinance concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees remove during the redevelopment shall require additional tree replacement units as required in the ordinance.
13. Water and sewer approval are required by the DeKalb County Department of Watershed Management.
14. The townhome units shall not exceed 3 stories or 45 ft in height.



PLANNING COMMISSION STAFF REPORT

15. The use of the Subject Property for any of the following shall be strictly prohibited:
- a. Convenience Store;
 - b. Child day care center and/or kindergarten;
 - c. Blood collection center;
 - d. Check cashing establishment to include automobile title loan and pay day loan establishment;
 - e. Gold-Buying establishment;
 - f. Heavy truck and equipment and materials storage;
 - g. Outdoor open flea market;
 - h. Truck Stop and terminal;
 - i. Automobiles, boats and trailers new and used sales;
 - j. Funeral home and/or crematory;
 - k. Fraternity or sorority house;
 - l. Boarding or rooming house;
 - m. Self-storage or mini warehouses;
 - n. Liquor and/or package stores;
 - o. Pawn shops;
 - p. Pool hall and/or sports bar;
 - q. Adult Entertainment or bookstores, etc.;
 - r. Nightclub;
 - s. Skating rink; and
 - t. indoor and/or outdoor recreation.



PLANNING COMMISSION STAFF REPORT

ATTACHMENT #1

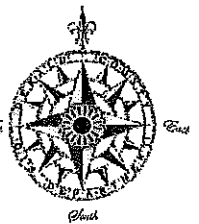


DeKalb County Geographical Information Systems

DeKalb County
GEORGIA

Michael Thurmond
Chief Executive Officer

Stacy Gear
Director



CERTIFIED MAIL

June 15, 2018

RECEIVED JUN 19 2018

Nicole C.E. Dozier, Community Development Director
City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

Dear Ms. Dozier:

We are in receipt of your June 11, 2018 letter regarding the proposed annexation of property located at 6024 Covington Highway (tax parcel 16 039 04 034). The GIS Department will update the county's maps and records once we receive a copy of the approval from the City of Decatur.

We have reviewed the address listed in your correspondence to be annexed and determined that no county facilities are located at this address.

With regard to easements and drainage, DeKalb County hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above mentioned annexed property and an easement upon, over, cross and under the above mentioned annexed property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from roads, street, alleys, parks, lots, ditches, culverts, drains, lake, rivers, streams, pond and properties of DeKalb County, Georgia or properties devoted to a public use.

The GIS Department is responsible for processing annexations. GIS will receive the notification of annexation in a more expeditious manner if you would please copy this office on annexation notices. If you have any questions, you may contact me at 404.371.3619 or via email at scgear@dekalbcountyga.gov.

Sincerely,

Stacy Gear
Director

cc: Michael Thurmond, CEO
Zachary Williams, COO
Andrew Baker, Director of Planning & Sustainability
Mereda Davis Johnson, Commission District 5
Gregory Adams, Super District 7 Commissioner



PLANNING COMMISSION STAFF REPORT

ATTACHMENT #2



AX 18-0001

Application for Annexation

One (5) original paper copies and a digital copy the completed application and all other required items must be submitted to the of the Community Development Department. All information to be presented to the Planning Commission and City Council should be assembled. This application will not be processed any items are missing or if the appropriate fee does not accompany it.

- ☐ Completed application forms signed by 100% of the land owners and/or electors (in the case of existing residential property owners) residing in the area to be annexed and by owners of not less than 100% of the total land area, by acreage. The application contains a "Contiguity Statement" which must be signed by an engineer or surveyor
- ☐ Current land survey by a registered surveyor that includes a legal description and lists acreage to be annexed.
- ☐ Utility Availability Letters – A letter by the service providers must be obtained, Watershed (water and sewer availability) and Dekalb County Board of Education (discussing impact the development will have on schools in the area).
- ☐ Attach names and addresses of owners of all property within 250 feet of the subject property. Once an application has been accepted for presentation the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearings.
- ☐ Application Fee of \$350.00 per parcel* - You will be billed any additional amount spent on advertising. It is necessary for this fee to be paid prior to any meeting dates.

* Fee maybe reduced (\$275.00) if property is split by the city boundaries.

Petitioner will be notified by Mail/Email of the scheduled Public Hearing for which his/her application will be considered.



Revised 6/21/2018

GENERAL INFORMATION

Date: 6/5/18

Applicant/ Owner Name Halpern Enterprises, c/o Battle Law, P.C. Email mlb@battlelawpc.com

Phone # wk (404) 601-7616 cell# _____

Address One West Court Square, Suite 750, Decatur, GA 30030

Location and address if available of the subject property
6024 Covington Highway, portion of Parcel ID: 16 039 04 034

The size/acreage of the subject property 11.63 acres

The proposed land use category of the subject property upon annexation

NC, Neighborhood Center

Present Dekalb County Zoning Classification(s) MU-5 w/ conditions:

CZ-17-21274, CZ-12-17693, CZ-12-17692, CZ-06-1745, CZ-98055, CZ-98054

Desired City of Stonecrest Zoning Classification(s) MR-2 ~~XXXX~~1

List the number of houses, if any on property being submitted None

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Stonecrest, Georgia, and the description of such territory is as follows:

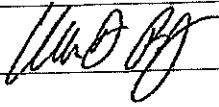
[Insert complete description of land to be annexed.]

Applicant Signature:  Date 6/20/18



We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Stonecrest, Georgia, and extend the city boundaries to include the same.

LAND OWNERS

Name (Print)	Address (Print)	Signature	Date (Print)
1 Halpern Enterprises, Inc.	5200 ROSWELL RD NE A ATLANTA GA 30342		
2			
3			
4			
5			
6			
7			
8			
9			
10			



CONTIGUITY STATEMENT

Contiguous areas means at the time the annexation procedures are initiated, any area that meets the following conditions:

(1) At least one-eighth of the aggregate external boundary or 50 feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary or would directly abut the municipal boundary if it were not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state or by the definite width of (A) any street or street right-of-way, (B) any creek or river, or (C) any right-of-way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed;

(2) The entire parcel or parcels of real property owned by the person seeking annexation is being annexed; provided, however, that lots shall not be subdivided in an effort to evade the requirements of this paragraph; and

(3) The private property annexed, excluding any right of way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements, if any, to construct a building or structure occupiable by persons or property under the policies or regulations of the municipal development, zoning, or subdivision ordinances.

I, William C. Wohlford, Jr., a registered Surveyor in the State of Georgia, hereby certify that the parcel requested to be annexed into the City of Stonecrest lying in land lot(s) 39 of the 16th district, DeKalb County, has a contiguous boundary of 1,307 feet with the existing City limits of the City of Stonecrest, which is at least one-eighth aggregate of the total property to be annexed.

This the 5th day of June, 2018

William C. Wohlford, Jr.
Signature

2577
Georgia Registered Surveyor #



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature: <u>[Signature]</u>	Date: <u>5/24/18</u>	
	Address: <u>5200 ROSWELL RD NE A</u>	City, State: <u>ATLANTA GA</u>	Zip: <u>30342</u>
	Phone: <u>770-451-0318</u>		
	Sworn to and subscribed before me this <u>24th</u> day of <u>May</u> , 20 <u>18</u>		
Property Owner (If Applicable)	Notary Public: <u>Elaine Mahon</u>		
	Signature: <u>[Signature]</u>	Date: <u>5/24/18</u>	
	Address: <u>5200 Roswell Rd</u>	City, State: <u>Atlanta, GA</u>	Zip: <u>30342</u>
	Phone: <u>770-451-0318</u>		
Property Owner (If Applicable)	Sworn to and subscribed before me this <u>24</u> day of <u>May</u> , 20 <u>18</u>		
	Notary Public:		
	Signature:	Date:	
	Address:	City, State:	Zip:
Property Owner (If Applicable)	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public:		



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes ☒ No

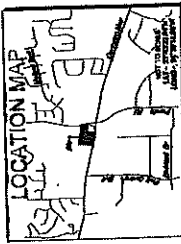
Applicant / Owner	Signature: <i>[Signature]</i>
	Address: 5200 Roswell Road, Atlanta GA 30342
	Date: May 24, 2018

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount

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 Houston, Texas 77058
 Phone 281 477-1107
 Fax 281 477-1107
 www.terra-mark.com
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THE STATE OF NEW YORK		DATE	NAME	ADDRESS
		19	JOHN	123
		20	JOHN	123
		21	JOHN	123
		22	JOHN	123
		23	JOHN	123
		24	JOHN	123
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		100	JOHN	123



SPECIAL NOTES

**DEKALB COUNTY DEPARTMENT
OF WATERSHED MANAGEMENT:**
DEKALB COUNTY, GEORGIA
1200 N. 10TH STREET, SUITE 100
ALPHARETTA, GA 30201
(404) 477-1000
WWW.DCWMD.COM

PLAT APPROVAL

OWNER'S ACKNOWLEDGEMENT

CERTIFICATE OF CONFORMITY

SURVEYOR'S CERTIFICATE

As authority is conferred by the Georgia Surveyors' Act, Chapter 10, Code of Georgia Annotated, 1933, upon the Surveyors of the State, to examine and certify the qualifications of persons applying for the position of Surveyor, I hereby certify that _____ of _____ County, Georgia, is a duly qualified and competent person to perform the duties of a Surveyor, and is hereby appointed as such for the term of _____ years, commencing on the _____ day of _____, 19____, and terminating on the _____ day of _____, 19____.

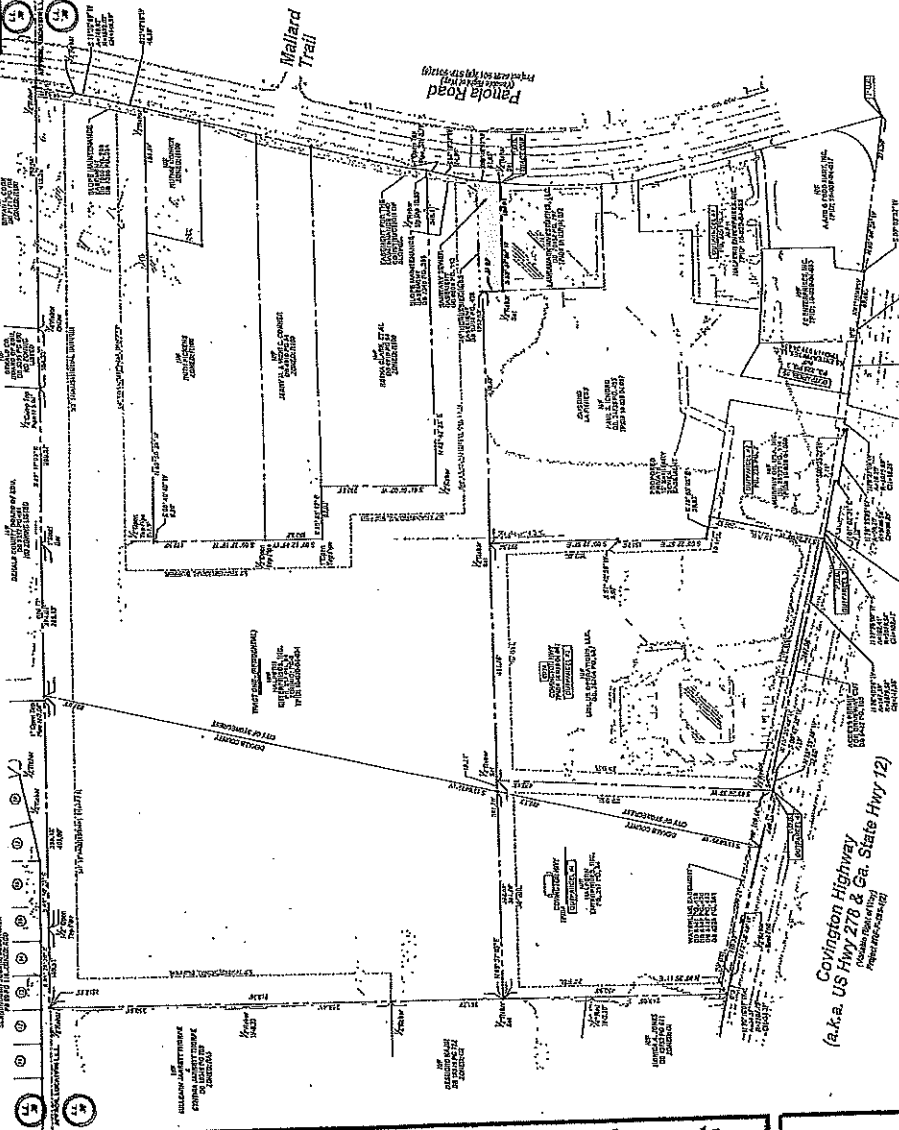
W. A. G. _____
Surveyor General

[Handwritten signature]

APPROVED FOR RELEASE BY THE
JFK LIBRARY ON 07-19-2014

[Circular stamp: OFFICE OF THE ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE]

OWNER
 NATIONAL BANK BUILDING, INC.
 100 WALL STREET
 NEW YORK, NEW YORK 10038
 (212) 512-2000



10/10/80

Mr. and Mrs. J. Edgar Hoover

Sincerely, [illegible]

[illegible]
[illegible]
[illegible]

LEGEND

ADDRESS ONLY

NAME

DATE

GREETING

CLOSING

RETURN ADDRESS

THIS PLAY SUPERSEDES LOT DIVISION
PLAT RECORDED IN P.B. 263 PG. 20

AREA TABLE		ZONING PERMITION NO.	
TRACT ONE (RESIDENTIAL)	18,500 Sg. Ft.	OR	31,000 Ac.
OUT PARCEL THREE	24,000 Sg. Ft.	OR	31,000 Ac.
OUT PARCEL FOUR	14,000 Sg. Ft.	OR	31,000 Ac.
TOTAL	56,500 Sg. Ft.	OR	31,000 Ac.

[illegible][illegible][illegible]

NAME		DATE		TIME		LOCATION	
1	John	1944-11	11	11	11	11	11
2	John	1944-11	11	11	11	11	11
3	John	1944-11	11	11	11	11	11
4	John	1944-11	11	11	11	11	11
5	John	1944-11	11	11	11	11	11
6	John	1944-11	11	11	11	11	11
7	John	1944-11	11	11	11	11	11
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52	John	1944-11	11	11	11	11	11
53	John	1944-11	11	11	11	11	11
54	John	1944-11	11	11	11	11	11

TerraMark
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 Fax No. (770) 451-0852
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 PROFESSIONAL LAND SURVEYING & C.O. #57002819

1. LOT DIVISION PLAY FOR HALPERN ENTERPRISES, INC.
RECORDED IN PL. 217 PG. 84

2. LOT DIVISION PLAY FOR HALPERN ENTERPRISES, INC.
RECORDED IN PL. 233 PG. 2

3. LOT DIVISION PLAY FOR HALPERN ENTERPRISES, INC.
RECORDED IN PL. 263 PG. 28

4. RECORDED SUBDIVISION FOR COLUMBIA BROADCASTING

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 18-2 OF THE RULES OF THE GEORGIA BOARD OF MECHANICAL PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA SURVEY ACT O.C.G.A. 16-5-67.



WILLIAM C. WOLFORE, JR., FLS

CLUBS AND OUTRIES (240)	PERIOD	CLUBS AND OUTRIES (240)
STATION WORKLINE	STATION WORKLINE	STATION WORKLINE
PROPERTY OWNER	PROPERTY OWNER	PROPERTY OWNER
CATCH BASIN (PVC)	CATCH BASIN (PVC)	CATCH BASIN (PVC)
SNOW MOUNT (10)	SNOW MOUNT (10)	SNOW MOUNT (10)
JUNCTION BOX (18)	JUNCTION BOX (18)	JUNCTION BOX (18)
HEAD WALL (14)	HEAD WALL (14)	HEAD WALL (14)
IS MARKS (10)	IS MARKS (10)	IS MARKS (10)
CLEAN OUT (10)	CLEAN OUT (10)	CLEAN OUT (10)
POWER POLE WITH LIGHT	POWER POLE WITH LIGHT	POWER POLE WITH LIGHT
ADDRESS BOX	ADDRESS BOX	ADDRESS BOX
STREET LAMP	STREET LAMP	STREET LAMP

SITE AREA

ANNEXATION PARCEL 1	2.12 AC.
ANNEXATION PARCEL 2	6.41 AC.
TOTAL	11.53 AC.

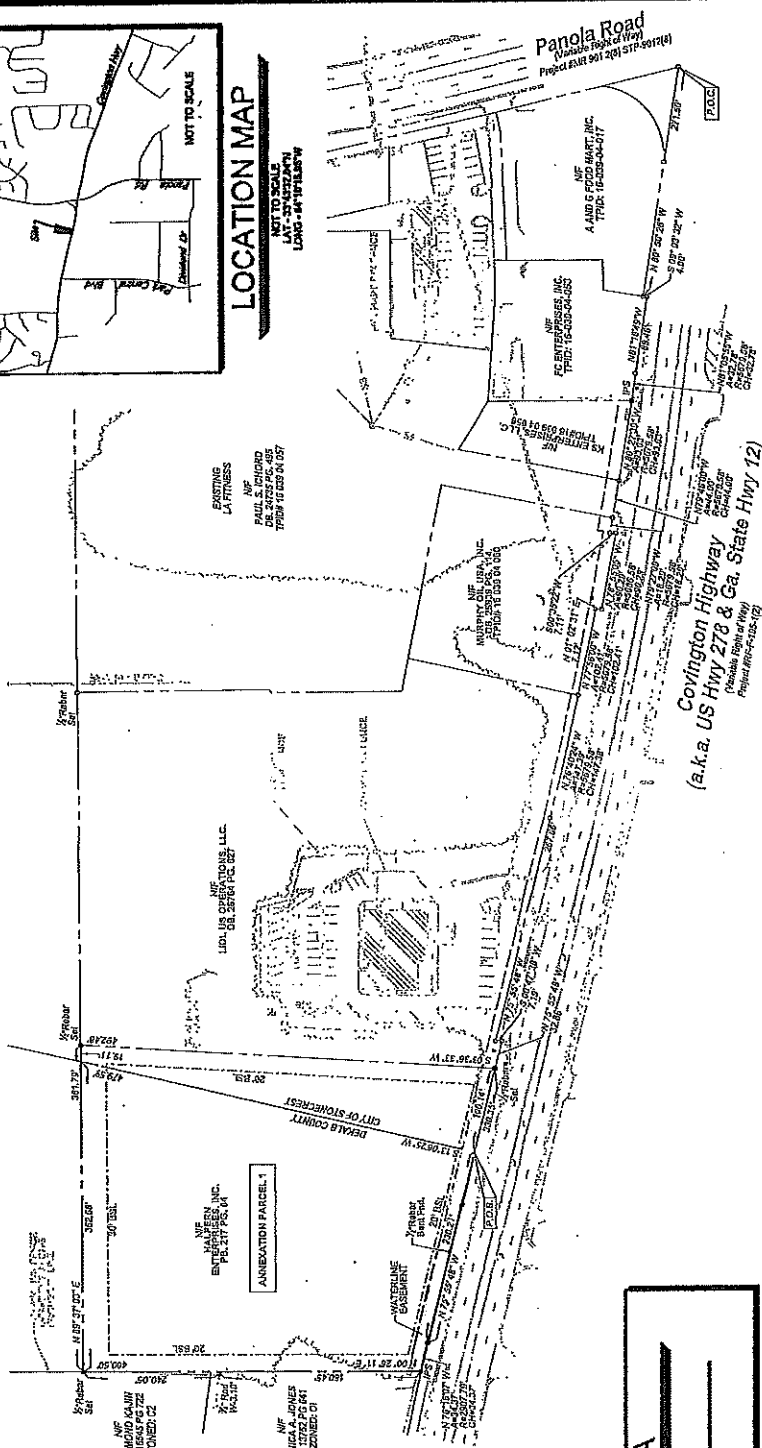
SCALING METHOD USED: A TOPCON 228 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

CLOSURE STATEMENT:
THIS PLAN HAS BEEN CALCULATED OF CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 50,000 FEET.

THE MEASURES SHOWN ON THIS SURVEY ARE COMPUTED ADOLES BASED ON A
AND BEHAVIOR FOR THAT ZONE.

FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON MAY 17, 2014.

TERMINAL LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR
NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.



There is only one answer to this question.

There is only one answer to this question.

ANNEXXATION PLAT
FOR
HALPERN ENTERPRISES, INC.
(COVINGTON-PANOLA TRACT)
LOCATED IN
LAND LOT 39, 18TH DISTRICT
DEKALB COUNTY, GEORGIA

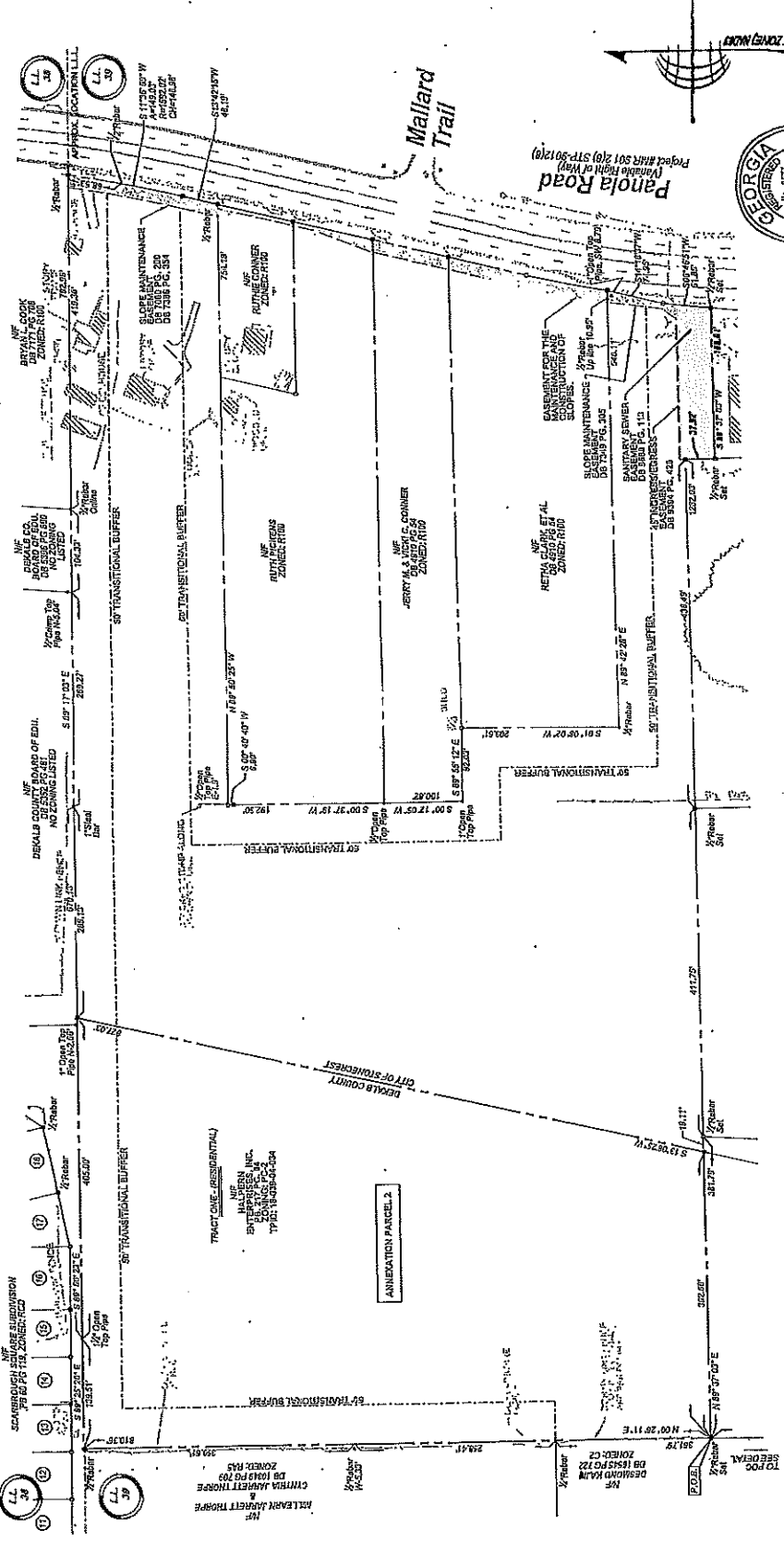
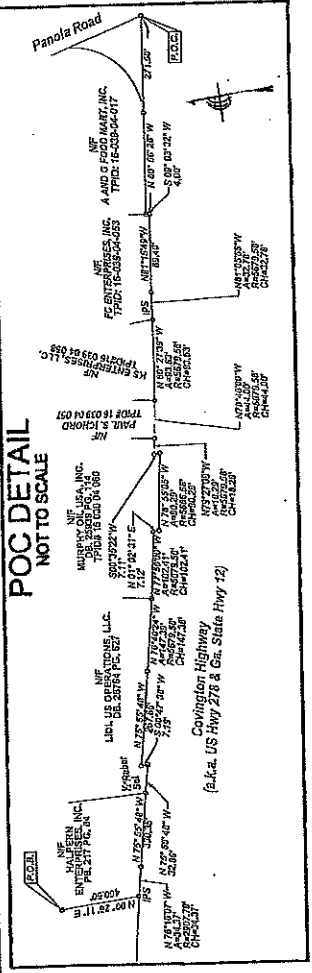
Point	Station	Distance	Remarks
1	0+00	0.00	Start of Survey
2	0+10	10.00	Point of Beginning
3	0+20	20.00	Point of Beginning
4	0+30	30.00	Point of Beginning
5	0+40	40.00	Point of Beginning
6	0+50	50.00	Point of Beginning
7	0+60	60.00	Point of Beginning
8	0+70	70.00	Point of Beginning
9	0+80	80.00	Point of Beginning
10	0+90	90.00	Point of Beginning
11	1+00	100.00	Point of Beginning
12	1+10	110.00	Point of Beginning
13	1+20	120.00	Point of Beginning
14	1+30	130.00	Point of Beginning
15	1+40	140.00	Point of Beginning
16	1+50	150.00	Point of Beginning
17	1+60	160.00	Point of Beginning
18	1+70	170.00	Point of Beginning
19	1+80	180.00	Point of Beginning
20	1+90	190.00	Point of Beginning
21	2+00	200.00	Point of Beginning
22	2+10	210.00	Point of Beginning
23	2+20	220.00	Point of Beginning
24	2+30	230.00	Point of Beginning
25	2+40	240.00	Point of Beginning
26	2+50	250.00	Point of Beginning
27	2+60	260.00	Point of Beginning
28	2+70	270.00	Point of Beginning
29	2+80	280.00	Point of Beginning
30	2+90	290.00	Point of Beginning
31	3+00	300.00	Point of Beginning
32	3+10	310.00	Point of Beginning
33	3+20	320.00	Point of Beginning
34	3+30	330.00	Point of Beginning
35	3+40	340.00	Point of Beginning
36	3+50	350.00	Point of Beginning
37	3+60	360.00	Point of Beginning
38	3+70	370.00	Point of Beginning
39	3+80	380.00	Point of Beginning
40	3+90	390.00	Point of Beginning
41	4+00	400.00	Point of Beginning
42	4+10	410.00	Point of Beginning
43	4+20	420.00	Point of Beginning
44	4+30	430.00	Point of Beginning
45	4+40	440.00	Point of Beginning
46	4+50	450.00	Point of Beginning
47	4+60	460.00	Point of Beginning
48	4+70	470.00	Point of Beginning
49	4+80	480.00	Point of Beginning
50	4+90	490.00	Point of Beginning
51	5+00	500.00	Point of Beginning
52	5+10	510.00	Point of Beginning
53	5+20	520.00	Point of Beginning
54	5+30	530.00	Point of Beginning
55	5+40	540.00	Point of Beginning
56	5+50	550.00	Point of Beginning
57	5+60	560.00	Point of Beginning
58	5+70	570.00	Point of Beginning
59	5+80	580.00	Point of Beginning
60	5+90	590.00	Point of Beginning
61	6+00	600.00	Point of Beginning
62	6+10	610.00	Point of Beginning
63	6+20	620.00	Point of Beginning
64	6+30	630.00	Point of Beginning
65	6+40	640.00	Point of Beginning
66	6+50	650.00	Point of Beginning
67	6+60	660.00	Point of Beginning
68	6+70	670.00	Point of Beginning
69	6+80	680.00	Point of Beginning
70	6+90	690.00	Point of Beginning
71	7+00	700.00	Point of Beginning
72	7+10	710.00	Point of Beginning
73	7+20	720.00	Point of Beginning
74	7+30	730.00	Point of Beginning
75	7+40	740.00	Point of Beginning
76	7+50	750.00	Point of Beginning
77	7+60	760.00	Point of Beginning
78	7+70	770.00	Point of Beginning
79	7+80	780.00	Point of Beginning
80	7+90	790.00	Point of Beginning
81	8+00	800.00	Point of Beginning
82	8+10	810.00	Point of Beginning
83	8+20	820.00	Point of Beginning
84	8+30	830.00	Point of Beginning
85	8+40	840.00	Point of Beginning
86	8+50	850.00	Point of Beginning
87	8+60	860.00	Point of Beginning
88	8+70	870.00	Point of Beginning
89	8+80	880.00	Point of Beginning
90	8+90	890.00	Point of Beginning
91	9+00	900.00	Point of Beginning
92	9+10	910.00	Point of Beginning
93	9+20	920.00	Point of Beginning
94	9+30	930.00	Point of Beginning
95	9+40	940.00	Point of Beginning
96	9+50	950.00	Point of Beginning
97	9+60	960.00	Point of Beginning
98	9+70	970.00	Point of Beginning
99	9+80	980.00	Point of Beginning
100	9+90	990.00	Point of Beginning

TerraMark
Professional Land Surveying & Mapping, Inc.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone: (404) 525-1100
Fax: (404) 525-1101
www.terra-mark.com



LEGEND

- CURB AND GUTTER (C&G)
- CEMENT DRIVEWAY
- PROPERTY ADJACENT
- PROPERTY LINE
- CATCH BASIN (CB)
- SEWER MAIN (SM)
- SEWER LATERAL (SL)
- SEWER MANHOLE (MH)
- SEWER CLEANOUT (CO)
- POWER POLE WITH LIGHT
- ADDRESS BOX
- TREELINE



THIS MAP IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 39, 16th District, DeKalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at the intersection of the Westerly Right of Way Line of Panola Road (variable width right of way) as per GDOT Right of Way Plans – Project No. MR 901 2(8) STP-9012(8) and the Northerly Right of Way Line of Covington Highway, a.k.a. US Highway 278 (variable width right of way) as per GDOT Right of Way Plans – Project No. RF-F-195-1(2); thence, leaving said point and running with the said line of Covington Highway, North 80° 56' 28" West, 271.50 feet; thence, South 09° 03' 32" West, 4.00 feet; thence, North 81° 15' 49" West, 89.46 feet; thence, 32.78 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 81° 05' 55" West, 32.78 feet; thence, 155.92 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 80° 08' 48" West, 155.92 feet; thence, South 00° 35' 22" West, 7.11 feet; thence, 90.26 feet along the arc of a curve deflecting to the right, having a radius of 5,686.58 feet and a chord bearing and distance of North 78° 55' 05" West, 90.26 feet; thence, North 01° 02' 26" East, 7.12 feet; thence, 249.80 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 77° 11' 24" West, 249.78 feet; thence, North 75° 55' 48" West, 267.66 feet; thence, South 00° 47' 38" West, 7.19 feet; thence, North 75° 55' 48" West, 363.21 feet; thence, 34.37 feet along the arc of a curve deflecting to the left, having a radius of 2,907.79 feet and a chord bearing and distance of North 76° 16' 07" West, 34.37 feet; thence, leaving the aforesaid line of Covington Highway and running, North 00° 26' 11" East, 400.50 feet to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing in the previous direction

1. North 00° 26' 11" East, 810.36 feet to a ½ inch rebar found on the North Line of aforesaid Land Lot 39; thence, running with the said line of Land Lot 39
2. South 89° 25' 20" East, 139.51 feet to a ½ inch open top pipe found; thence,
3. South 89° 50' 23" East, 405.00 feet +/- to the line of the City of Stonecrest, Georgia; thence, running with the said line between the City of Stonecrest and DeKalb County
4. Southwest, 827.03 feet +/- to a point on the proposed line between the commercial and residential property; thence, running with the said line
5. South 89° 37' 03" West, 280.17 feet +/- to the Point of Beginning, containing 8.41 Acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 39, 16th District, DeKalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at the intersection of the Westerly Right of Way Line of Panola Road (variable width right of way) as per GDOT Right of Way Plans – Project No. MR 901 2(8) STP-9012(8) and the Northerly Right of Way Line of Covington Highway, a.k.a. US Highway 278 (variable width right of way) as per GDOT Right of Way Plans – Project No. RF-F-195-1(2); thence, leaving said point and running with the said line of Covington Highway, North 80° 56' 28" West, 271.50 feet; thence, South 09° 03' 32" West, 4.00 feet; thence, North 81° 15' 49" West, 89.46 feet; thence, 32.78 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 81° 05' 55" West, 32.78 feet; thence, 155.92 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 80° 08' 48" West, 155.92 feet; thence, South 00° 35' 22" West, 7.11 feet; thence, 90.26 feet along the arc of a curve deflecting to the right, having a radius of 5,686.58 feet and a chord bearing and distance of North 78° 55' 05" West, 90.26 feet; thence, North 01° 02' 26" East, 7.12 feet; thence, 249.80 feet along the arc of a curve deflecting to the right, having a radius of 5,679.58 feet and a chord bearing and distance of North 77° 11' 24" West, 249.78 feet; thence, North 75° 55' 48" West, 267.66 feet; thence, South 00° 47' 38" West, 7.19 feet; thence, North 75° 55' 48" West, 133.00 feet to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing in the previous direction

1. North 75° 55' 48" West, 363.21 feet; thence,
2. 34.37 feet along the arc of a curve deflecting to the left, having a radius of 2,907.79 feet and a chord bearing and distance of North 76° 16' 07" West, 34.37 feet; thence, leaving the aforesaid line of Covington Highway and running,
3. North 00° 26' 11" East, 400.50 feet to a point on the proposed line between the commercial and residential property; thence, running with the said line
4. North 89° 37' 03" East, 362.68 feet +/- to the line of the City of Stonecrest, Georgia; thence, running with the said line between the City of Stonecrest and DeKalb County
5. Southwest, 479.59 feet +/- to the Point of Beginning, containing 3.12 Acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.



SEWER CAPACITY EVALUATION REQUEST

Department of Watershed Management

Project Information:

Project Address:	6024 COVINGTON HIGHWAY DECATUR GA 30035 (City, State, Zip Code)	Project Name:	Covington Highway and Panola Road
Intended Tie-In Manhole:	16-039-s035	Type of Development:	Private (Private or Government)
Total Peak Flow Requesting:	153,600 GPD (Calculated Peak Flow - Existing Flow)	Land Lot and Parcel ID:	LL 039, Parcel ID 16 039 04 034
		County District:	16th

Developer's Information:

Company's Name:	Rocklyn Homes	Address:	3505 Koger Blvd, Suite 275
Contact Name:	Tim Jenkins	City, State, Zip Code:	Duluth, GA 30096
Phone Number:	404-424-6723	Email Address:	tjenkins@rocklynhomes.com

Engineering Firm's Information:

Company's Name:	Civil Engineering Consults INC	Address:	4994 Lower Roswell Rd suite 17
Contact Name:	Andrew Lovejoy	City, State, Zip Code:	Marietta, GA 30068
Phone Number:	404-717-5809	Email Address:	andy@cec.engineering

Please include the following items in your submittal package:

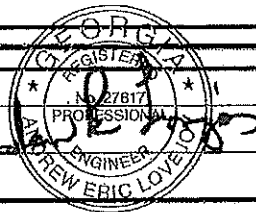
- ☒ Proposed Peak Daily Flow Calculation based on attached guidelines *(See Appendix A)*
 - ☐ Existing Developments
 - ☒ New Conditions
- ☒ Separate detailed calculation sheet signed by the owner or owner's representative for each project *(See Appendix B)*
- ☐ Estimate of anticipated peak hour flow and instantaneous peak hour flow for each industrial, commercial, and mixed-use project; and for each residential project that is over four stories in height
- ☒ Geographical Information System (GIS) map clearly showing the proposed site (s) surrounds areas, and utilities
- ☐ Proposed utility plan, if available

Name: Andrew Lovejoy

Date: 04/16/2018

Signed:

Seal:



Capacity Evaluation Request will not be accepted until form is fully completed and all supplemental information is attached. Once Capacity Request Package has been reviewed and accepted by our internal staff, a letter will be completed within 60 days.

Internal Use Only

Date Capacity Request
Reviewed and Accepted:

Received By:

Signed:

Appendix - B

Table 1: Sanitary Flow Contributions from Site Specific Sources

CONTRIBUTOR	UNIT	Design Average Daily Flow (gpd)
Residence, single family	per residence	240
Residence, multiple family (including apartments)	per unit	240
Commercial/Mercantile Building	per 1,000 square feet	75
Industrial/Warehouse (not including food service)	per 1,000 square feet	75
Offices (not including food service)	per 1,000 square feet	175
Shopping Center (not including food service)	per 1,000 square feet	100
Restaurant/Coffee Shop/Fast Food/ Bar/Tavern	per 1,000 square feet	1,650
Amusement/Recreation/Arcade	per 1,000 square feet	200
Barber Shop/Beauty Salon	per customer station	333
Caterer	per 1,000 square feet	3,300
Church (not including food service or day schools)	per 1,000 square feet	65
Coin Laundries	per machine	400
Commercial Laundries	per machine	640
Hospitals	per bed	200
Nursing Home	per bed	125
Motel/Hotel	per room	100
Police/Fire Station - w/ residents	per bed	125
Police/Fire Station - w/o food service	per 1,000 square feet	175
School - w/ kitchen	per 1,000 square feet	200
School - w/ cafeteria	per 1,000 square feet	250
School - w/ cafeteria and gym	per 1,000 square feet	400
Service Station	per fuel pump unit	120
Theater/Museum/Auditorium	per 1,000 square feet	65
Other facility not listed:	Subject to Approval by the County	
		Total

gpd = gallons per day

NOTE: Design peak flow rates shall be calculated by multiplying the total design average daily flow rate determined per the table above by a peaking factor of 4.0.

May-17

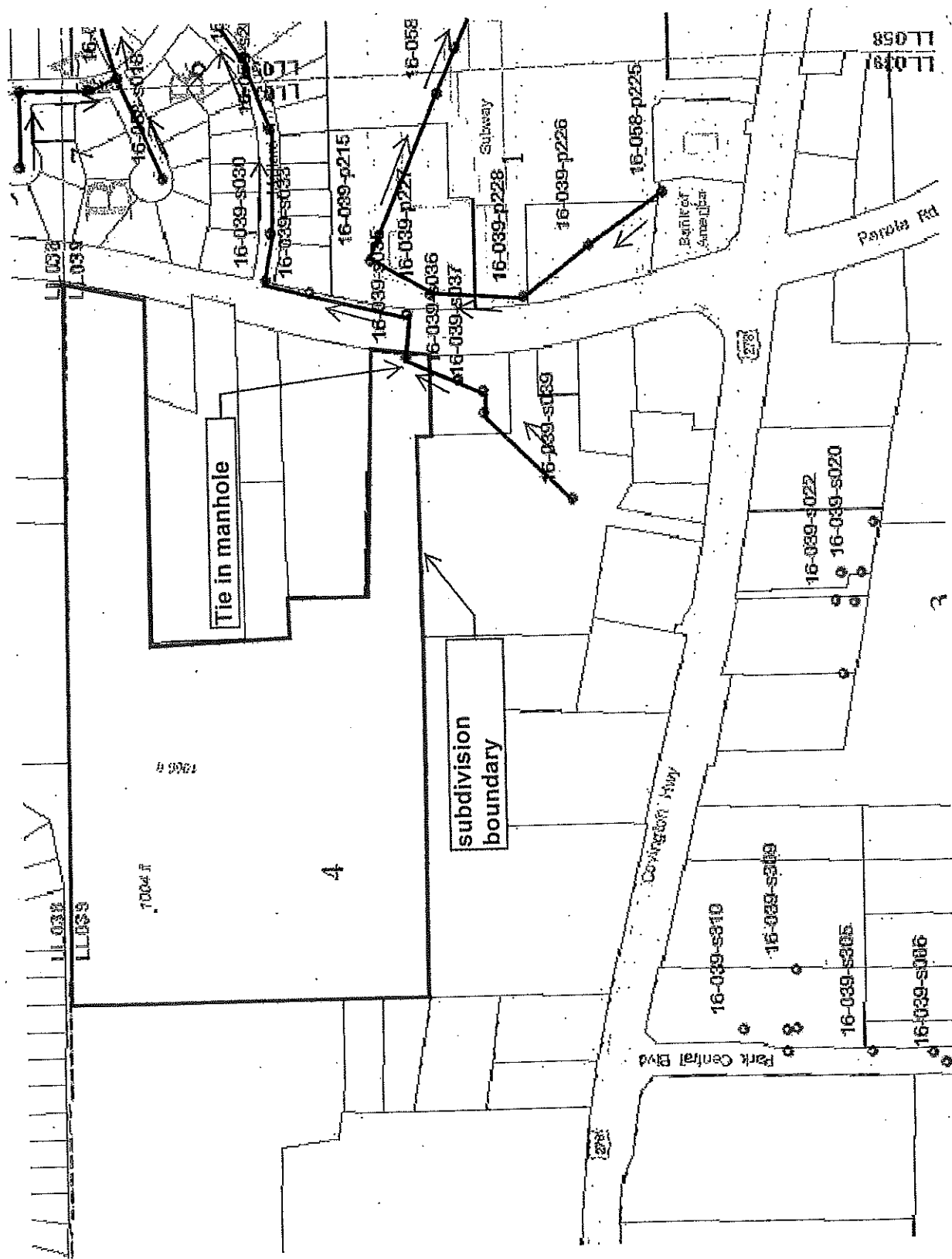
Sewer Calculation for Covington Highway and Panola Road

The proposed subdivision consists of one hundred and sixty (160) 3-bedroom townhomes. The average daily flow using DeKalb County's requirement of 240 gpd/unit is as follows:

$$\text{Average Daily Flow} = 160 \text{ unit} \times 240 \frac{\text{gpd}}{\text{unit}} = 38,400 \text{ gpd}$$

Using the Peak Factor of 4, the peak flow is calculated as follows:

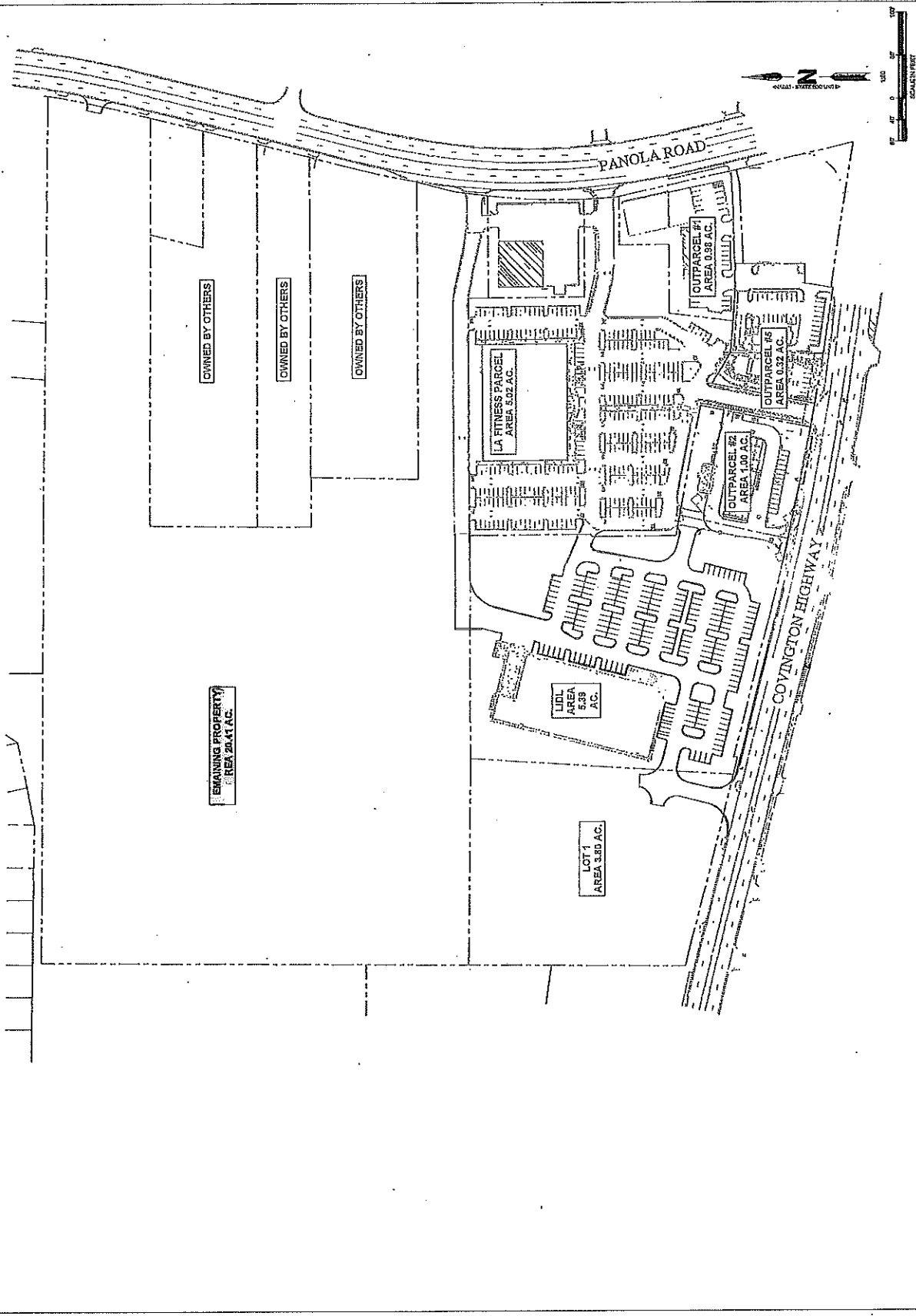
$$\text{Peak Flow} = \text{ADF} \times \text{PF} = 38,400 \text{ gpd} \times 4.0 = 153,600 \text{ gpd}$$



Ferrex Group, Inc.
3740 Dawindale
Suite 100
Farmingdale, NY 11735
Tel: 516/361-1309
Fax: 516/361-1344
www.ferrex.com

ENTERPRISES, INC.
SHOPPING CENTERS
LEADING - MANAGEMENT - DEVELOPMENT
3300 ROSWELL ROAD
ATLANTA, GEORGIA 30305
WWW.ENTERPRISEONLINE.COM
770.451.1033

APPLE NINE
064 024
NOT RELEASED FOR CONSTRUCTION



**DeKalb County School District
Development Review Comments**

Analysis Date: 3/22/2018

Submitted to: City of Stonecrest/Battle Law PC

Case #:
Parcel #: 16 039 04 034

Name of Development: 6024 Covington Hwy
Location: Near Covington Hwy and Panola Road

Description: New townhome community proposed for vacant lot near Covington Hwy and Panola Road with 160 units

Impact of Development: When fully constructed, this development would be expected to generate 72 students: 16 at Murphey Candler ES, 12 at Miller Grove MS, 14 at Miller Grove HS, 27 at other DCSD schools and 3 in private schools. Based on the enrollment forecast for October 2018, Panola Way Es and Miller Grove HS and MS have capacity for additional students. Although Miller Grove HS is forecasted to be close to capacity in October 2018, the long-term forecast has declining enrollment. Therefore, capacity should be available for new development.

	Panola Way	Miller Grove	Miller Grove	Other	Private	
Current Condition of Schools	ES	MS	HS	DCSD	Schools	Total
Capacity	955	1,127	1,388			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2018)	894	898	1,354			
Seats Available	61	229	34			
Utilization (%)	93.6%	79.7%	97.6%			
New students from development	16	12	14	27	3	72
New Enrollment	910	910	1,368			
New Seats Available	45	217	20			
New Utilization	95.3%	80.7%	98.6%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.103070	0.108207	0.005198	0.211276
Middle	0.073146	0.022085	0.004660	0.095231
High	0.084586	0.036043	0.004123	0.120629
Total	0.2608	0.1663	0.0140	0.4271
Student Calculations				
Proposed Units	160			
Unit Type	TH			
Cluster	Miller Grove			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	16.49	17.31	0.83	34.63
Middle	11.70	3.53	0.75	15.98
High	13.53	5.77	0.66	19.96
Total	41.72	26.61	2.24	70.57
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Panola Way ES	16	17	1	34
Miller Grove MS	12	4	1	17
Miller Grove HS	14	6	1	21
Total	42	27	3	72

CARTEL PROPERTIES II LLC	340 E PACES FERRY RD NE	ATLANTA, GA	30305
A AND G FOOD MART INC	6114 COVINGTON HWY	DECATUR, GA	30035
HATCO LLC	2272 PARK CENTRAL	DECATUR, GA	30035
CONNER VICKIE L	277 RIVER LAKE DR	EATONTON, GA	31024
6087 COVINGTON HIGHWAY LLC	5854 GOSHEN SPRINGS RD	NORCROSS, GA	30071
CONNER VICKIE L	277 RIVER LAKE DR	EATONTON, GA	31024
NWP COVINGTON LLC	4585 E PICKARD	MOUNT PLEASANT, MI	48858
DS AND SS PROPERTIES INC	6099 COVINGTON HWY	DECATUR, GA	30035
SOTO LUIS R	6025 COVINGTON HWY	DECATUR, GA	30035
JACKSON EARL	6063 COVINGTON HWY	DECATUR, GA	30035
LAURMARK INVESTMENTS LLC	4413 BLACK STALLION DR NE	ROSWELL, GA	30075
FC ENTERPRISES INC	2199 GLENMORE LN	SNEELVILLE, GA	30078
PICKENS RUTH	12961 HIGHWAY 142	NEWBORN, GA	30056
PICKENS DAVID F MRS	755 PICKLESIMER MTN	MORGANTON, GA	30058
DEKALB BOARD OF EDUCATION	1701 MOUNTAIN INDUSTRIAL BLVD	STONE MOUNTAIN, GA	30083
GOSHANE KASSAHUN G	2208 IDLEWOOD RD	TUCKER, GA	30084
HATCO LLC	2272 PARK CENTRAL F	DECATUR, GA	30035
THOMAS MICHAEL	2553 OLD COVINGTON RD NE	CONYERS, GA	30013
HATCO LLC	2272 PARK CENTRAL BLVD	DECATUR, GA	30035
UB II PLAID DECATUR LLC	9450 W BRYN MAWR	ROSEMONT, IL	60018
HALPERN ENTERPRISES INC	5269 BUFORD HWY NE	DORAVILLE, GA	30340
HALPERN ENTERPRISES INC	5200 ROSWELL RD NE	ATLANTA, GA	30342
HALPERN ENTERPRISES INC	5200 ROSWELL RD NE	ATLANTA, GA	30342
TRADITIONAL REAL ESTATE LLC	6049 COVINGTON HWY	DECATUR, GA	30035
NWP PANOLA LLC	PO BOX 510	MOUNT PLEASANT, MI	48804
ICHORD PAUL S	2718 CRABTREE RD	MANTECA, CA	95336
GCTV SUB 2 CORPORATION	1 COMCAST CENTER	PHILADELPHIA, PA	19103
KS ENTERPRISES LLC	6092 COVINGTON HWY	DECATUR, GA	30035
THOMAS MICHAEL	2553 OLD COVINGTON RD NE	CONYERS, GA	30013
KREATIVE KIDS ACADEMY LLC	6007 COVINGTON HWY	DECATUR, GA	30035
CONNER ESTELLE RUTHIE	12961 HIGHWAY 142	NEWBORN, GA	30056
GREAVES GRACE	72 4TH ST	BRENTWOOD, NY	11717
AGA ENTERPRISE INC	5995 COVINGTON HWY	DECATUR, GA	30035
RAW ASSOCIATES LLC	4585 E PICKARD ST	MOUNT PLEASANT, MI	48858

MURPHY OIL USA INC
HOME SFR BORROWER LLC
LENOIR JOYCE
DEKALB BOARD OF EDUCATION
GATHER KATRINA
HALPERN ENTERPRISES INC

P O BOX 7300
8300 N MOPAC EXPRESSWAY
5431 MALLARD TRL
1701 MOUNTAIN INDUSTRIAL BLVD
5421 MALLARD TRL
5200 ROSWELL RD

EL DORADO, AR
AUSTIN, TX
LITHONIA, GA
STONE MOUNTAIN, GA
LITHONIA, GA
ATLANTA, GA

71731
78759
30058
30083
30058
30342

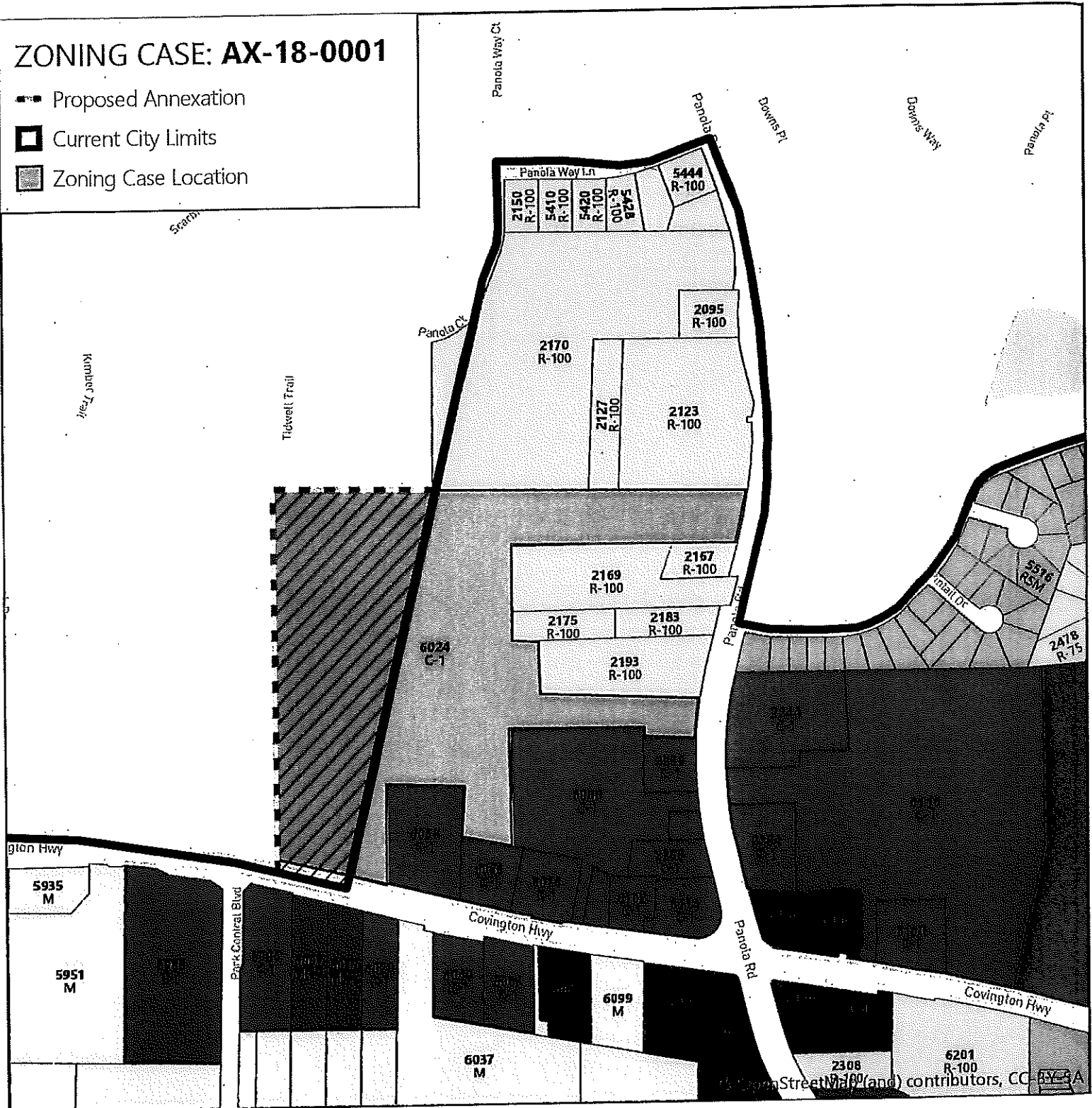


PLANNING COMMISSION STAFF REPORT

ATTACHMENT #3

ZONING CASE: AX-18-0001

- Proposed Annexation
- Current City Limits
- Zoning Case Location





CITY COUNCIL AGENDA ITEM

SUBJECT: DIGITAL PAVEMENT ANALYSIS

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Date Submitted: 09/14/2018 Council Meeting: 09/17/2018

SUBMITTED BY: City Attorney Tom Kurie

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: RFP/RFQ FOR SPLOST PROGRAM MANAGEMENT

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Date Submitted: 09/14/2018 Council Meeting: 09/17/2018

SUBMITTED BY: City Attorney Tom Kurie

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: RFP/RFQ FOR COMPREHENSIVE TRANSPORTATION PLAN

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Date Submitted: 09/14/2018 Work Session: 09/17/2018 Council Meeting: 09/17/2018

SUBMITTED BY: City Attorney Tom Kurie

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance City of Stonecrest Amending Chapter 15- Business License Article XIX Mobile Food Vendors

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 09/12/2018 Council Meeting: 09/17/2018

SUBMITTED BY: City Attorney

PURPOSE: This item is the first reading on the amendments to Chapter 15 for the Business Licenses to add Mobile Food Vendors

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,
AMENDING CHAPTER 15 – BUSINESS LICENSES
TO ADD ARTICLES VII, XI, XIII, XVII, and XIX – MOBILE FOOD VENDORS.

WHEREAS, the Georgia Revenue and Taxation Code (O.C.G.A. § 48-13-1 et al.) regulates Specific, Business, and Occupation Taxes in the State of Georgia; and

WHEREAS, Pursuant to Section 1.03(b)(4) of the Charter of the City of Stonecrest, Georgia, the City of Stonecrest (the “City”) has been vested with substantial powers, rights, and functions to levy and provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by the Georgia Revenue and Taxation Code; and

WHEREAS, Pursuant to Section 1.03(b)(12) of the Charter of the City of Stonecrest, Georgia, the City of Stonecrest (the “City”) has been vested with substantial powers, rights, and functions to define, regulate, and prohibit acts, practice, conducts, or use of property which is detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, it is the intent of the Mayor and Counsel, in enacting this ordinance to improve the safety and welfare of its citizens through the certification and regulation of certain professions;

WHEREAS, the City recognizes its constitutional duty to interpret and construe its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the Mayor and City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Law, and the Georgia Rules of Civil and Criminal Procedure;

WHEREAS, it is the intent of the Mayor and Council, in enacting this ordinance, to improve the quality of life and economic vitality of the City of Stonecrest, Georgia, and to protect the safety of the general public against certain abusive conduct of persons engaged in solicitation and vending, by imposing reasonable time, manner, and place restrictions on solicitation while respecting the constitutional rights of free speech for all citizens; and

WHEREAS, the Mayor and City Council hereby find that regulating and/or defining certain businesses, as set forth both below, will further the goals set forth in the Charter

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STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

and protect the public health, safety, and welfare of the citizens and visitors of the City.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: The Code of the City of Stonecrest, Georgia, is hereby amended by adding an Article VII, that reads as follows:

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ARTICLE VII. PEDDLERS, DOOR-TO-DOOR SALES AND SIMILAR OCCUPATIONS

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Sec. 15.7.1. Definition.

Residence means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Canvassing and/or Soliciting means and includes any one or more of the following activities:

(a) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever;

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(b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication;

(c) Seeking to obtain donations or charitable contributions; or

(d) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

Sec. 15.7.2. Exemptions Permit Required.

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It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling on the residences within the incorporated areas of the city for the purpose of soliciting orders, sales, subscriptions, or business of any kind, without first registering with the City Manager or his designee and paying the appropriate regulatory fee.

(a) Persons, businesses and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the state, are exempt from the requirements of this article.

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(b) Any sales representative who calls upon prospective customers at their prior invitation shall be treated as exempt from the provisions of division 2 of this article.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

(c) — ~~Representatives or agents of charitable or nonprofit corporations registered with the secretary of state, or tax-exempt organizations which have been recognized as such by the Internal Revenue Service of the United States Treasury Department, shall be treated as exempt from the provisions of division 2 of this article, provided that such organization first supplies proof of the recognized status to the City Manager or his designee, and has received from written confirmation of its exempt status from the City of Stonecrest. The organization shall then furnish each of its agents or representatives with a copy of the confirmation letter.~~

Sec. 15.7.3. — Violation of other ordinances and lawsApplication.

~~Each registrant shall furnish, on a form developed by the City Manager or his designee, at least his/her name and permanent address, his/her signature, the name and address of his/her employer, the nature of products sold or displayed, and the proposed method of operation within the city. Each registrant shall be fingerprinted and photographed by the City Manager or his designee.~~

~~The questionnaire form shall also bear the following statement:~~

~~"Georgia Code section 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."~~

(a) — ~~It is unlawful for any person while engaging in any activity for which a permit is required by this article to:~~

(1) — ~~Violate any city ordinance.~~

(2) — ~~Violate any criminal law of this state, or violate any state or federal consumer protection law.~~

(b) — ~~In this section "consumer protection law" includes the Fair Business Practices Act of 1975, O.C.G.A. tit. 10, ch. 1, pt. 2 [§ 10-10-390 et seq.], O.C.G.A. tit. 43, ch. 17 [§ 43-17-1 et seq.] and the Federal Consumer Credit Protection Act (truth-in-lending and truth-in-leasing).~~

Sec. 15.7.4. — Hours of operationRegulatory fee.

~~The City Manager or his designee shall collect a fee of one hundred dollars (\$100.00) for each registration. Upon approval, a registration card will be issued showing the name of the firm or corporation and the name of the representative. Such registration shall be valid for ninety (90)~~

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STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

~~days from the date of issuance. The registration may be renewed during the same calendar year for an additional ninety day period without another investigation or additional fees.~~

~~It is unlawful for any person to engage in any of the conduct for which a permit is required by this article between the hours of 9:00 p.m. and 9:00 a.m., according to the standard time in effect.~~

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~~Sec. 15.7.5. — Restriction on number of persons soliciting~~**Identity Cards.**

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~~Each registrant shall be issued an identity card bearing his/her name and photograph, the company name, and the expiration date of the registration. Each solicitor must carry such identity card at all times while soliciting or canvassing within the city and shall display such card to each customer and upon appearance at each residence and/or business establishment canvassed or solicited.~~

~~It is unlawful for more than two (2) individuals to engage in solititation upon any premises at the same time. Each individual member of a group engaged in solicitation in violation of this provision shall be deemed to have violated this section.~~

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~~Sec. 15.7.6. — Persons with criminal records~~**Hours of operation.**

Commented [A1]: These times may need to be expanded.

~~It is unlawful for any person with a criminal record as described in section 15.32, whether or not otherwise eligible for an exemption under section 15.7.2, to engage in any of the activities for which a permit is required by this article. Soliciting or canvassing on the public streets, areas, or parks of the city shall be conducted only between the hours of 9:00 a.m. and 7:00 p.m.~~

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~~Soliciting or canvassing or calling from house to house within the incorporated areas of the city shall be conducted only between the hours of 9:00 a.m. and 6:00 p.m.~~

~~Sec. 15.7.7. — Frequency of solicitation of same premises~~**Restriction on number of persons soliciting.**

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~~The number of solicitors or canvassers in the city for any single firm, corporation, or organization shall not exceed five (5) in number at any one (1) time. It is unlawful for any person to make more than one (1) solicitation call at the same premises for identical goods or services within any consecutive two-week period, without receiving a prior invitation therefor from the occupant of any such premises. This section includes solicitation upon the same premises by employees, agents or representatives of any person more than once during such period without a prior invitation.~~

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~~Sec. 15.7.8. — Solicitation to be at main entrances~~**Identification to prospective customers.**

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~~Prior to any solicitation of funds within the city, each canvasser or solicitor shall identify the organization which he represents. Additionally, each canvasser or solicitor must inform each person solicited of any minimum payment, deposit, or donation required for the acceptance of any merchandise, wares, goods, or any similar items provided by each canvasser or solicitor prior to such acceptance by each person solicited.~~

~~It is unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence.~~

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~~Sec. 15.7.9. — Announced purpose of call~~Fraud, etc.

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~~It shall be unlawful for a canvasser or solicitor to perform any of the following acts:~~

~~Falsely represent, either directly or by implication, that funds being solicited are on behalf of any person other than the person registered with the City Manager or his designee;~~

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~~Without the express prior permission of an occupant or property owner, to solicit at any residence, apartment complex, or shopping center, other than areas open to public parking, where a sign has been posted prohibiting such solicitation;~~

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~~To remain on private premises after being asked to leave the premises or to continue solicitation after being refused upon the public streets, areas, or parks; such action shall constitute harassment; or~~

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~~To solicit or canvass on any private premises upon which is displayed a sign, plaque or other posting declaring "No Soliciting" or other similar prohibition.~~

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~~At each dwelling, whether it is an apartment unit or private residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game or other competitive endeavor, or that the solicitor is offering the occupant an opportunity to participate in any such contest, game or endeavor.~~

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~~Sec. 15.7.10. — Identification to prospective customers~~Exceptions.

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~~Any person desiring to solicit or canvass upon the public streets, areas, or parks, or call from house to house within the incorporated areas of the city for the purpose of raising funds or seeking donations for any religious, charitable, or eleemosynary organization shall register with and obtain a license from the city.~~

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~~Such person on a form developed by the City Manager or his designee, at least:~~

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~~Applicant's name and permanent address;~~

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~~Name, address, and telephone number of the firm, corporation, or organization represented;~~

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~~Names and addresses of all persons canvassing or soliciting within the city;~~

~~The nature of any merchandise or goods to be sold or offered for sale in conjunction with such solicitation; and~~

~~Proof of tax-exempt status shall be required when registering with City Manager or his designee;~~

~~The City Manager or his designee shall collect a fee of one dollar (\$1.00) from each organization to cover costs of processing the license;~~

~~Each organization shall be issued an identity card bearing the name of each individual who shall engage in solicitation or canvassing on behalf of the organization, the organization's name, and the expiration date of the license. Each applicant does not have to be fingerprinted or photographed.~~

~~The license shall be valid for ninety (90) days from the date of issuance.~~

~~It is unlawful for any person, at the time of initial contact with a respective customer, to fail to verbally identify himself for the purpose of the solicitation, and the company and product line represented.~~

~~Sec. 15.7.11. — Fraud, etc. License revocation.~~

~~Any license issued under this article may be suspended and/or revoked by the City Manager or his designee due to any violation of any ordinance or resolution of the city, county, or of any state or federal law, or whenever the license holder shall cease to possess the qualifications and character required in this article for the original application.~~

~~(a) — It is unlawful for any person engaged in solicitation to misrepresent the purpose of the solicitation or use any false or deceptive statements or any misrepresentation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the status or purpose of the person making the call.~~

~~(b) — It is unlawful for any person to knowingly submit a false application under Division 2 of this Chapter.~~

~~Sees. 15.7.12 — Activity not regulated hereby — 15.7.25. Reserved.~~

~~This section is not intended to, nor shall it operate to, regulate door-to-door visitation for the following purposes: political canvassing or religious canvassing, provided that such canvassing does not include the soliciting of orders, sales, subscriptions or business of any kind.~~

~~DIVISION 2. — PERMIT~~

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~~Sec. 15.7.2613. Required Penalty.~~

~~Any person engaged in or desiring to engage in any type of selling, soliciting, canvassing, survey making or any other business, occupation or vocation, which by its nature requires going from door to door or house to house in the residential areas of the incorporated areas of the city, whether on a temporary or a permanent basis, except those exempted in Sec. 15.7.2 of this chapter, shall obtain a solicitor's permit from the City Manager or his designee. Any person violating any of the provisions of this article shall, upon conviction or entering a plea of guilty or nolo contendere in the Stonecrest Municipal Court, shall be punished pursuant to Chapter 16 of this Code.~~

~~Continued violation of the provisions of this article may be enjoined by instituting appropriate proceedings for injunction in a court of competent jurisdiction of this state. Such actions may be maintained notwithstanding that other adequate remedies at law may exist. Remedies contained in this article are meant to be cumulative in nature.~~

~~Sec. 15.7.27. Application.~~

~~(a) Questionnaire. The City Manager or his designee shall prepare a questionnaire requiring pertinent information regarding the physical description, identity, and background of each applicant for a permit, to include the following:~~

- ~~(1) Name, local address and telephone number.~~
- ~~(2) Date and place of birth.~~
- ~~(3) Driver's license number and issuing state.~~
- ~~(4) Social Security number (if different from driver's license number).~~
- ~~(5) Race and sex.~~
- ~~(6) Height and weight.~~
- ~~(7) Eye color and hair color.~~
- ~~(8) Name, address and telephone number of the organization represented.~~
- ~~(9) Name and telephone number of immediate supervisor.~~
- ~~(10) Product or service.~~
- ~~(11) A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations.~~

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(b) The questionnaire form shall also bear the following statements:

"Georgia Code section 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."

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Sec. 15.7.28. Investigation and issuance.

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(a) Upon filing of an application for a solicitor's permit, the City Manager or his designee shall review the application for the purpose of ascertaining whether the applicant has plead to, or has been convicted of, a felony, or a misdemeanor involving violence or moral turpitude. After ascertaining that the application has been properly completed, and that the applicant has not been disqualified by virtue of prior pleas of conviction, the City Manager or his designee shall approve the application.

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(b) In any case in which it appears to the City Manager or his designee that a solicitor's permit should not be issued to an applicant, the City Manager or his designee shall so inform the applicant, and upon the applicant's request, shall furnish the applicant with a reasonably detailed written statement of the reasons why the permit will not be issued.

(c) Following approval of the permit application and prior to issuance of a permit, the applicant shall obtain a business license and pay the required license fee.

(d) Upon payment of the business license fee, the applicant shall receive from the City Manager or his designee a copy of the license application, which the applicant shall then carry to the City Manager or his designee. Upon payment by the applicant of a fee in the amount established by action of City Council, a copy of which is on file in the office of their clerk, the City Manager or his designee shall photograph the applicant and provide the applicant with a permit bearing the applicant's photograph, name, and organization, and identifying the applicant as a solicitor.

Sec. 15.7.29. Expiration and renewal.

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Each solicitor's permit shall indicate thereon an expiration date which is one (1) year from the date of issue. Application for renewal may be made at any time following the sixtieth day preceding the date of expiration.

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Sec. 15.7.30. Selling, renting, etc.

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It is unlawful for any person to lend, rent or sell a solicitor's permit card to another.

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Sec. 15.7.31. Display.

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~~The City Manager or his designee shall furnish to each holder of a solicitor's permit a device suitable for attaching the permit card to the outer clothing. No person shall act as a solicitor without wearing and displaying the permit in a conspicuous manner. Such a person shall display such identification to any authorized person or potential customer upon request.~~

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~~Sec. 15.7.32. - Denial, suspension or revocation.~~

~~(a) No solicitor's permit shall be issued to any person who has been found guilty of any misdemeanor involving violence or moral turpitude any time within five (5) years prior to the date of application, nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that such person either has been pardoned, or that such person has been free from any legal restriction for a period of five (5) or more years prior to the date of application. In this section "conviction" and "found guilty" include verdicts or pleas of guilty, entered by a court of this state, a court of any sister state, or any federal district court. Any permit issued as the result of willful false statements or omissions in the solicitor's application for the permit shall be deemed null and void from the time of its issue.~~

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~~(b) The permit of any solicitor charged with a felony, or a misdemeanor involving violence or moral turpitude shall be deemed suspended from the time of lawful arrest, formal accusation or indictment, whichever shall first occur; such suspension shall remain in effect until the solicitor is convicted or acquitted, or until the charge is dismissed, dead docketed, not prosessed or no-billed.~~

~~(c) The permit of any solicitor who is convicted of a felony, or of a misdemeanor involving moral turpitude or violence, shall be deemed revoked from the time of such conviction. The permit of any solicitor convicted of having violated any provision of this article after issuance of the permit shall be deemed revoked from the time of such conviction.~~

~~(d) Any suspension or revocation occurring pursuant to the provisions of this article shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.~~

~~(e) It is unlawful for any person to act as a solicitor while such person's permit has been suspended or after it has been revoked.~~

~~Sec. 15.7.33. - Surrender.~~

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~~Each solicitor's permit shall remain the property of the city. Each permit holder shall surrender the permit card to the City Manager or his designee no later than three (3) business days following the expiration, suspension or revocation of the permit or upon the demand of the City Manager or his designee, whichever occurs first.~~

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~~Sec. 15.7.34. - Appeals.~~

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288 ~~A person to whom the city refuses to issue a solicitor's permit or whose solicitor's permit is~~
289 ~~suspended or revoked may file an appeal therefrom in accordance with Article XVI of this~~
290 ~~Chapter.~~

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291 ~~Sees. 15.7.35 15.7.50. Reserved.~~

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~~Section 2:~~

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~~The Code of the City of Stonecrest, Georgia, is hereby amended by adding an Article XI,
that reads as follows:~~

~~ARTICLE XI. VEHICLES FOR HIRE~~

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~~Sec. 15-11-1. Definitions.~~

~~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:~~

~~Open stand means locations on the streets of the city that may be used by any taxicab on a
nonexclusive, first come first served basis, and not by private vehicles or other public
conveyances.~~

~~Taxicab means a motor vehicle used to transport passengers for a fee or fare and which is fitted
with a taximeter or other device that is used to compute such fee or fare. Taxicabs shall not
include limousine carriers or ride share drivers as defined in O.C.G.A. § 40-1-90(1) and (3).~~

~~Taxicab company means an entity or person operating a taxicab or providing taxi services as
defined in O.C.G.A. § 40-1-90(5).~~

~~Taximeter means an instrument or device attached to a motor vehicle and designed to measure
the distance traveled by such vehicle, or an instrument or device attached to a motor vehicle and
designed to compute and indicate the fare or fee to be charged to the passenger.~~

~~Sec. 15-11-2. Doing business defined. —~~

~~Any taxicab company operating a taxicab within the incorporated boundaries of the city or with
an established business relationship with independent contractors operating a taxicab shall be
deemed doing business in the city under this article if such person is picking up passengers in the
city and accepting or soliciting any consideration, charge or fee which is determined by
agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any
motor vehicle or other vehicle designed or used for the purpose of transporting passengers.~~

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~~Sec. 15-11-3. Cruising and use of vehicle stands.~~

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~~Cruising is defined as moving about the streets of the city for the purpose of picking up and
transporting passengers who have not previously requested such service by telephone or by
personal command. Taxicab companies shall ensure that their drivers use open stands on a
nonexclusive, first come first served basis.~~

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~~Sec. 15-11-4. Call jumping. —~~

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~~Taxicab companies under this article shall not participate in nor allow their drivers to practice
call jumping or the act of intercepting a passenger who has requested service from another
company.~~

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~~Sec. 15-11-5. Schedule of fares.~~

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~~(a) All taxicab companies doing business in the incorporated boundaries of the city shall
charge a schedule of fares as provided in the city fee schedule.~~

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~~(b) All taxicab companies permitted under this article shall have the right to charge a charge
as provided in the city fee schedule if the meter is not utilized.~~

~~(c) Taximeters shall be calibrated by the permitted taxicab company to calculate the fares in
accordance with the schedule set forth in this section. The taxi shall have, installed, lead and wire
seals to the taximeter once it is calibrated so that no adjustments, alterations or replacements may
be made to the taximeter that affects in any way its accuracy or indications.~~

~~Sec. 15-11-6. Temporary fuel surcharge.~~

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~~(a) The City Manager or his designee shall assess fuel prices in the city every three months,
the first assessment to occur immediately after approval of the ordinance from which this article
is derived and again thereafter on November 1, February 1, May 1, and August 1 of each
calendar year and repeating every November 1, February 1, May 1, August 1 and/or an
assessment may be needed based on a sudden increase in gasoline prices between those dates.~~

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~~(b) At the time of the assessment, if the City manager or his designee finds that the price of
fuel in the city exceeds by 20 percent the average price of fuel in the Atlanta metropolitan area in
the preceding year, as published by the American Automobile Association, the City manager or
designee shall be authorized to institute temporary fuel surcharges as set forth in this article.~~

~~(c) Within ten days of the assessment of fuel prices, if the price exceeds the standards of
subsection (b) of this section, the City Manager or his designee shall notify all taxicab
companies, taxicab drivers, taxicab trade associations, and all other affected persons or entities
operating in the taxicab industry within the city of temporary fuel surcharges that may be
imposed on customers.~~

~~(d) If the City Manager or designee authorizes the assessment of temporary fuel surcharges,
all taxicab companies and drivers shall charge, in addition to the schedule of fares set forth in
section 15-11-5, a fuel surcharge as provided in the city fee schedule.~~

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(e) ~~No other temporary fuel charges may be assessed against customers and the temporary fuel surcharges applied only remains in effect until the time of the next periodic fuel price assessment by the police chief or designee.~~

(f) ~~All taxicab drivers must and shall conspicuously display a printed passenger notice on the taxicab dashboard describing the temporary fuel surcharge.~~

(g) ~~The printed notice shall advise passengers that a temporary fuel surcharge will be added to the metered fare or to the flat rate fare due to increases in gasoline prices in the city and shall advise passengers of the amount of the fee as described in subsection (d) of this section.~~

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Section 3:

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~~The Code of the City of Stonecrest, Georgia, is hereby amended by adding an Article XIII, that reads as follows:~~

ARTICLE XIII. – MULTIFAMILY RENTAL DWELLINGS

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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:~~

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~~*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.~~

~~*Code compliance certificate* means a certificate, in a form authorized by the City Manager or his 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 unit.~~

~~*Lease* means any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.~~

~~*Multifamily rental dwelling* means any dwelling unit designed for and containing more than one lodging or dwelling (1) unit, as defined in Chapter 27, Article XI, 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. This definition 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.~~

~~*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 a the premises.~~

~~Premises means any lot or parcel of real property on which exists one or more multifamily rental dwellings or multifamily rental units.~~

~~Sec. 15-13-2. Certification process, requirements, forms and appeals.~~

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~~(a) — Process. The City Manager or his 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 designee shall be designated as certified building inspectors authorized to perform the inspections required by this article.~~

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~~(b) — Code compliance certificates and inspection reports. The City Manager or his designee is authorized to create the forms for code 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 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 code compliance certificate.~~

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~~(c) — Certified building inspectors.~~

~~(1) — Minimum requirements. At a minimum, a certified building inspector shall be a licensed architect or engineer or shall hold one (1) of the following certifications from the International Code Council: property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.~~

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~~(2) — Denial of certification. Upon receipt of a complete application to be a certified building inspector, the City Manager or his designee shall have forty-five (45) days to grant or deny the application. If denied, the City Manager or his designee shall notify the applicant in writing of the reason(s) 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 subsection Sec. 15-13-4(e) 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 designee shall revoke the authority of that individual to act as a certified building inspector. The City Manager or his designee shall notify the individual in writing of the reason(s) 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.

~~Sec. 15-13-3. - Inspection, certificate and fee required.~~

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~~Commencing on January 1, 2019, it shall be unlawful for any owner or agent of an owner to engage in the leasing of a multi-family rental unit without first possessing a compliance certificate.~~

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(a) ~~Code eCompliance certificate.~~ A code compliance certificate shall contain the certification of a certified building inspector that all multifamily rental dwellings and/or multifamily rental units subject to this article have been inspected within the twelve-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.

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(1) ~~Commencing on January 1, 2019, all owners of multifamily rental dwellings and/or multifamily rental units within the incorporated parts of the city that receive income from four (4) 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 occupation tax return, code compliance certificate(s) covering one hundred (100) percent of the owner's multifamily rental units located within the incorporated parts of the city.~~

(2) ~~After submission of the initial code compliance certificate(s), 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 twenty (20) percent of the units on a premise and all units on a the premises shall be inspected, at a minimum, every five (5) years. 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.

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(c) ~~Inspections and repairs.~~ Upon initial inspection of 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 building official, outlining the time and scope of work necessary to bring the units into compliance. If the plan is accepted by the building official as reasonable and justified, an extension of the time for compliance with this article may be granted for up to one (1) yearsix (6) 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

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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 one year ~~six (6) month~~ extension for repairs is not available.

(d) ~~Written record of inspection.~~ Each owner and certified building inspector shall for a period of five (5) years from the date of inspection keep a written record of inspection for each 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 building official within ten (10) business days after a request is made in writing to the owner or inspector. Failure to provide these records shall nullify the code 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 (5) years following issuance of a certificate of occupancy for such dwelling or unit.

Sec. 15-13-4. Violations.

(a) No business occupation tax certificate shall be issued to any owner until the owner provides the city with a code compliance certificate 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.

(c) An owner who knowingly furnishes or participates in furnishing a code compliance certificate to the city falsely certifying that 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 multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false.

(d) 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.

Sees. Sec. 15-13-5 — Sec. 15-13-51. — Reserved.

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Section 4:

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~~The Code of the City of Stonecrest, Georgia, is hereby amended by adding an Article XVIII, that reads as follows:~~

~~ARTICLE XVIII—SHORT TERM VACATION RENTALS~~

~~15.18.1—Purpose; intent~~

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~~The purpose of this article is to protect the public health, safety and general welfare of individuals and the community at large through the establishment of reasonable regulations for the use of residential dwelling units as short-term vacation rentals~~

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~~15.18.2—Definitions~~

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~~(a) Code compliance verification form is a document executed by a short-term vacation owner certifying that the short-term vacation unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term vacation rental unit if the premises is in violation of any applicable zoning, building, health or life safety code provisions.~~

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~~(b) Short-term vacation rental occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.~~

~~(c) "Short-term vacation rental" means any individually or collectively owned single family dwelling or any unit or group of units in a condominium, cooperative, or timeshare, or owner occupied single family dwelling, that for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR".~~

~~(d) Short-term vacation rental agent means a natural person designated by the owner of a short-term vacation rental on the short-term vacation rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.~~

~~15.18.3—Application~~

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~~(a) No person shall rent, lease, or otherwise exchange for compensation all or any portion of a single family dwelling as short-term vacation rental, as defined in section 15.18.2, without first obtaining a business tax certificate from the City Manager or his designee and complying with the regulations contained in this section. No certificate issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.~~

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(b) ~~Applicants for a business tax certificate shall submit, on an annual basis, a registration for a short term vacation rental to the City. The application shall be furnished on a form specified by the City Manager, accompanied by a non-refundable application fee as established in 15.18.4. Such application should include:~~

(1) ~~The complete street address of the STVR;~~

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(2) ~~Ownership, including the name, address, e-mail and telephone number of each person or entity with an ownership interest in the property;~~

(3) ~~The number of bedrooms, the maximum occupancy and the number and location of off-street parking spaces on the premises and any off-premises parking applicable;~~

(4) ~~The name, address and telephone number of a short term vacation rental agent or local emergency contact if applicable; and,~~

(5) ~~Any other information that this chapter requires the owner to provide to the city as part of the registration for a short term vacation rental. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.~~

(6) ~~The emergency contact number required by section 15.18.5.~~

(7) ~~Any other information that this chapter requires the owner to provide to the city as part of an application for a short term vacation rental certificate. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.~~

(e) ~~The application form pursuant to this section shall be processed and added to a database to be kept by the City Manager or his designee listing STVR unit information and any citations that occur. The city shall notify the owner and agent of any instances that result in a citation for a code violation or other legal infraction.~~

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(d) ~~The owner or agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the single-family dwellings as a short term vacation rental unit.~~

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15.18.4 Application Fee/Renewal

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STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

(a) The short-term vacation rental application shall be accompanied by an initial application fee and be subject to an annual application fee every January 1 thereafter, as established by the mayor and city council.

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(1) The 2018 rental application fee shall be \$2550.00 per rental unit.

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(2) The annual application fee thereafter shall be \$2550.00 per rental unit. The annual application fee shall be due January 1 of each year and if not paid within 90 days thereof shall be subject to delinquency and penalties provisions of Chapter 15, Article II of the Code of Ordinances for Stonecrest, Georgia, as applicable to occupation tax/business license provisions. Every person holding a license as specified herein shall secure that license within 90 days after January 1 of each year, and pay for same as herein provided.

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(b) Each property shall be issued a business tax certificate.

(c) Failure to apply for a business tax certificate as prescribed by this law will result in a fine of \$100.00 for each month that the unit continues to operate a valid business tax certificate.

(d) The annual application fee is not transferrable and should ownership of a unit change, the new owner must reapply and remit the application fee.

(e) In the event a management company changes, a new application will be required with a fee of \$25.00 to cover administrative costs.

(f) The business tax certificate number shall be included in any advertisement of the STVR.

15.18.5—Emergency Contact

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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. STVR applicants and agents are to work with city staff as to the implementation of such emergency contact facilities or equipment and, until the appropriate connection for emergency contact is established, occupancy of the STVR location without the connection is prohibited.

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15.18.6—Compliance

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All STVRs are responsible for complying with and remitting the City of Stonecrest's hotel and motel tax ordinance.

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Section 5:

The Code of the City of Stonecrest, Georgia, is hereby amended by adding an Article XIX, that reads as follows:

ARTICLE XIX ~~-MOBILE VENDING IN THE PUBLIC RIGHT OF WAY~~FOOD VENDORS

DIVISION 1. - GENERALLY

15.19.1 – Definitions

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:

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).

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 or she has a physical disability which is disabling to the extent of 10 percent or more; that his or her service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his or her 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 or her service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his or her service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his or her service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such 10 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 or she 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 or her 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.

Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.

~~*Food vending cart* means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.~~

~~*Items permissible for sale* means items which may be offered for sale by and are limited to third-party published (non-adult) materials; non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages; and cut single stem or bunched flowers. Items permissible for sale shall not include any tobacco products.~~

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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.

Non-alcoholic pre-packaged beverages means beverages sealed in plastic or aluminum single serving containers excluding all beverages in glass containers, and excluding all alcoholic, including but not limited to malt beverages, wine and distilled spirits.

Operating area means:

- (1) The area in which a vendor may operate from a vending cart and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle; or

- (2) The parameters of the food truck.

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 Departments 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.

658 *Prepared food* means food prepared on site, the sale of which requires authorization by
659 the DeKalb County Department of Health.

660 *Public property and public space* both mean, for the purpose of this article, any property
661 owned by the City of Stonecrest within street rights-of-way, including any roadways and
662 sidewalks, but excluding city-owned parks.

663 ~~*Public property-vVending*~~ means vending activity as permitted on ~~publicly-privately~~
664 owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in
665 specifically designated city-owned parks. ~~Other than where specifically designated, vVending~~
666 shall only be permitted in city-owned parks where such activity is associated with a special event
667 and/or subject to regulation under a more specific permit.

668 *Valid vendor permit* means a permit issued by the City of Stonecrest for a vendor of a
669 vending cart or food truck. Such permit shall consist of a photo identification card which
670 contains the vendor's name, photograph, vending type and classification, authorized valid vendor
671 location(s) and time period for which such permit is valid.

672 *Vending cart* means a vending cart at which prepared food, prepared non-alcoholic
673 beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for
674 sale.

675
676 *Vendor* means any person who has been issued a valid vendor permit.

677
678 **Sec. 15-19-2. - Purpose, intent and applicability.**

679 (a) Vending on public property in the incorporated boundaries of the city, as defined in this
680 article, shall ~~be subject to regulation as set forth in this article, including the requirement~~
681 ~~of regulatory licenses and permits~~ be prohibited. Vending ~~in on nonresidential~~
682 commercial or industrial private property the public right-of-way without a permit issued
683 pursuant to this article shall be unlawful and a person violating this article shall, upon
684 conviction, be punished as provided by this Code.

685 (b) It is the intent of council in enacting this article to:

- 686 (1) Serve and protect the health, safety and welfare of the general public.
687 (2) Establish a uniform set of rules and regulations which are fair and equitable.
688 (3) Provide economic development opportunities for small entrepreneurs in the city.
689 (4) Provide a variety of goods and services for sale.
690 (5) Promote stable vendors who will enrich the city's ambiance and be assets to
691 public security.

692 (5)

693 **Sec. 15-19-3. - Vending business required to remit sales taxes and keep records.**

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(a) Every vendor shall file with Georgia Department of Revenue ("GDOR") the appropriate forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall prohibit the revocation of any permit in accordance with the provisions of Division 2 of this article.

(b) Prospective vendors, by filing a ~~business license~~ 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 the following:

(1) The prospective vendor's bank or other financial institution records, including those which are personal or from any business in which the vendor has any interest, such as savings and checking account records, bank statements, ledgers, deposit tickets, withdrawal slips, canceled checks, check stubs, bank drafts, cashier's checks, certificates of deposit, money market accounts, pass books and applications for each account;

(2) Personal state and federal income tax statements for the past five years; and

(3) Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.

Sec. 15-19-4. - Vending operational rules.

(a) Hours of operation shall be ~~between 7:00 a.m. and 12:00 a.m.~~ between 7:00 a.m. and 6:00 p.m., or as unless previously approved by the City Manager or his designee in connection with a special event permit.

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(b) Any and all signage must comply with the City of Stonecrest Code of Ordinances, Chapter 21.

(c) Vendors may offer items permissible for sale only.

(d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.

(e) All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15-19-3.

(f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.

(g) Vending operations, including but not limited to the display of merchandise ~~and the provision of tables and/or chairs,~~ may not exceed the approved operating area.

(h) Vending carts and/or food trucks 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.

(i) Vending carts and/or food trucks should not occupy more than one standard parking space.

(j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.

(k) Vending carts and/or food trucks shall be located within one-hundred (100) yards of the principal structure of the lot upon which it intends to vend.

~~(h) Vending carts and/or food trucks are allowed to stay at any one place of operation for a maximum of four hours.~~

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~~Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, and are prohibited from operating with their trucks open to the roadway.~~

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Sec. 15-19-4. - Aesthetic standards.

Vending carts must comply with the following aesthetic standards:

- (a) Length of the cart may not exceed seven feet and width may not exceed four feet height-excluding canopies, umbrellas, or transparent enclosures-may not exceed five feet;
- (b) ~~Umbrellas or e~~Canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;
- (c) ~~Umbrellas or e~~Canopies may not exceed 48 square feet (eight feet × six feet);
- (d) All carts must be mobile, and able to roll on wheels;
- (e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;
- (f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;
- (g) The wheels located under the car are preferred, however projecting wheels must have fenders;
- (h) Hitches attached to the cart must be removable and detached when in operation; and
- (i) If used, propane tanks must be enclosed.

Secs. 15.19.5—15.19-20. - Reserved.

DIVISION 2. - PERMITS AND LICENSES

Sec. 15-19-21. - Vendor permit and business license required.

- (a) ~~No public property vending shall occur without a permit issued pursuant to this article; except that no permit shall be required for persons selling newspapers at large other than from a fixed location on public property.~~
- (b) 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 Sec. 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.

- (c) All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated food truck area at all times when the vendor or assistant vendor is present.

Sec. 15-19-22. - Application.

- (a) An application shall be required by all persons seeking issuance of a valid vendor permit. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.

- (b) Permit fees and applicable maintenance fees are due and payable in the manner required by the City Manager or his designee if and when the application is approved by the City.

- ~~(c) An application for permit, including the proposed vending area(s), must be submitted the City Manager or his designee for approval at least thirty (30) calendar days prior to the proposed vending start date. The City Manager or his designee shall approve, deny, or request addition information from the applicant within fourteen (14) business days.~~

- ~~(e)(d)~~ The application shall, at a minimum, consist of the following data:

- (1) Applicant's name and current address.
- (2) Applicant's previous addresses within the last five years.
- (3) Social security number.

- ~~(4)~~ Proposed vending location(s).

- ~~(4)(5)~~ Certification of approval of vending location from the private property owner.

- ~~(5)(6)~~ A dimensional site plan drawing for each vending location which that clearly shows the footprint and placement of the cart and the operating area.

- ~~(6)(7)~~ The times and days/dates during which the vendor estimates they will vend on the proposed property.

- ~~(7)(8)~~ GDOR retail identification tax number.

- ~~(8)(9)~~ State issued picture identification.

- ~~(9)(10)~~ City business license.

- ~~(10)(11)~~ A general description of the items permissible for sale to be sold or offered for sale.

- ~~(d)(e)~~ All applicants shall furnish all data, information and records requested of them by the City Manager or his designee within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

Sec. 15-19-23. - Term and renewal of permits.

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(a) A valid vendor permit will be issued for a one-monthyear period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal.

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(b) Vendors may present to the City Manager or his designee an application for a renewal permit. Upon a review and approval of the renewal application, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees as indicated in section 15-19-24, the vendor shall be furnished with a renewal permit.

(c) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in section 15-19-22.

Sec. 15-19-24. - Annual fees.

(a) Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.

(b) The annual permit fee for all valid vendor permits shall be \$75.00.

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Sec. 15-19-25. - Location.

(a) Valid vendor locations shall:

(1) Not be within 15 feet of street intersections or pedestrian crosswalks or 15 feet of building entrances/exits or within 50 feet of hotels/motels;

(4) Provide a minimum of five feet of unobstructed pedestrian space;

(5) Not be within 15 feet of a fire hydrant; and

(6) Not be within 600 feet of the closet property line of any public or private elementary, middle or high school.

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Sec. 15-19-26. - Notification of name change or change of address.

Whenever either the name or address provided by the vendor on the application for a valid vendor permit changes, the vendor shall notify the City Manager or his designee in writing within ten days of such change and provide same with the name change or address change. Vendors shall assure that a current and correct name, residence address and mailing address are on file with the City Manager or his designee at all times.

Sec. 15-19-27. - Denials, fines, suspensions and revocations.

(a) No valid vendor 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.

(b) Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.

(c) A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application.
- (2) Failure on the part of a vendor to maintain initial eligibility qualifications
- (3) Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.
- (4) Any failure to comply with any requirement set forth in this article or this Code.

(d) Any person whose permit is revoked may not reapply until one year following the effective date of the revocation.

(e) In addition to carrying out all other investigations as may be permitted under this article, the license and permits unit shall investigate any alleged violation of this article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury, and shall be accompanied by any supporting evidence.

Sec. 15-19-27. – Appeal on suspension, fine, revocation or denial.

A person to whom the city refuses to issue a vendor's permit or whose vendor's permit is suspended or revoked may file an appeal therefrom in accordance with Article XVI of this Chapter.

Sec. 15-19-29. - Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.

(a) Vendors 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. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.

(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. 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.

(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily and between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. On days in which schools are actually in session, no motor vehicle shall be operated

within 600 feet of any public school in the city one hour before or one hour after published school hours.

(d) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.

(e) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be restricted to an operational area or location specifically described in Section 15-19-25.

Secs. 15.19-30—15.19-50. - Reserved.

Section 6:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City 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 City 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.
3. 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 City 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 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.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

924 Approved:

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926
927
928 _____
929 Jason Lary, Sr., Mayor

930 As to form:

931
932
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934 _____
935 City Attorney

936 Attest:

937
938
939 _____
940 City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance City of Stonecrest Designating Chapter 16-Miscellaneous Provisions and Offenses

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 09/12/2018 Council Meeting: 09/17/2018

SUBMITTED BY: City Attorney

PURPOSE: This item is to designate Chapter 16 for Miscellaneous Provisions and Offenses

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: First Read

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,

WHEREAS, Pursuant to subsection (29) of Section 1.03 of the Charter of the City of Stonecrest, Georgia, the City of Stonecrest (the "City") has been vested with the power to "To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances"; and

WHEREAS, the City has the power to define, regulate, license, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards; and

WHEREAS, the Mayor and City Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to adopt an ordinance regulating miscellaneous offenses;

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an ordinance designated as "Chapter 16- Miscellaneous Provisions and Offenses" to read and to be codified as follows:

CHAPTER 16 - MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE I. - IN GENERAL

Sec. 16-1. - Fines and punishment.

Unless otherwise specified, any person found guilty of violating any provision of this chapter shall be punished in a manner consistent with this Code and Georgia law.

Sec. 16-2. - Criminal impersonation.

(a) As used in this section, "intent to defraud" means the use of deception with the intention to injure another's interest which has economic or monetary value.

(b) A person commits the offense of criminal impersonation if the individual:

(1) Assumes a false identity and commits any act in their assumed character with the intent to defraud another; or

(2) Pretends to be a representative of some person or organization and commits any act in their pretended capacity with the intent to defraud another.

Sec. 16-3. - False representation of age.

It shall be unlawful for any person to misrepresent his/her age in any manner whatever for the purpose of gaining entrance to events or establishments that require a minimum age including, but not limited to, bars, nightclubs, movies, video stores, bookstores or bingo parlors.

Sec. 16-4. - Aiding, encouraging minor to commit unlawful act.

No person shall aid, abet or encourage a minor to do any act which constitutes a violation of any State law or this Code.

Secs. 16-5 – 16-19. – Reserved.

ARTICLE III. - OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY

DIVISION 1. - GENERALLY

Sec. 16-20. - Disorderly conduct.

(a) It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.

(b) The following acts, among others, are declared to be disorderly conduct:

- (1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life limb or health;
- (2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (4) Assemble or congregate with another or others for the purpose of gaming;
- (5) Be in or about any place, alone or with others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing' or to aid or abet any person doing so;
- (6) Be in or about any place where gaming or illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs are practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcohol;
- (7) Direct fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- (8) Interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

- (9) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to do so by a City official, police officer or other lawful authority;
- (10) Stand or remain in or about any street, sidewalk, overpass, or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a City Official, police officer or other lawful authority;
- (11) Disrupt by actions which tend to cause an immediate breach of the peace the undisturbed activities of any house of worship, hospital, or home for the elderly; or
- (12) Throw bottles, paper, cans, glass sticks, stones, missiles, or any other debris on public property.

Sec. 16-21. - Obstruction and interference.

- (a) It shall be unlawful for any person to intentionally interfere or hinder a city official, employee, or agent when such official, employee or agent has properly identified either himself or is otherwise identifiable as such and is engaged in the lawful performance of his official duties.
- (b) It shall be unlawful for any person to give a false name, address or date of birth, or any other false information, to any city official, employee, or agent in the lawful discharge of his official duties with the intent to mislead such official, employee or agent in any way.
- (c) It shall be unlawful for any person to refuse to provide identification, address or date of birth to a code enforcement officer, police officer or fire marshal while said officer is conducting an investigation and the officer has reasonable belief that said individual committed a crime, is committing a crime or is about to commit a crime. However, said person shall not be compelled to answer any other inquiry.

Sec. 16-22. - Begging, panhandling or soliciting on public property, sidewalks and streets; certain designated places prohibited.

- (a) Definitions. Except where the content otherwise requires, as used in this chapter:

(1) Aggressively beg, panhandle or solicit means any request made in person for a donation of money or some other article of value from another person by an unwanted touching, detaining, impeding or intimidation. Aggressive begging, panhandling or soliciting usually includes approaching or following pedestrians; repetitive begging, panhandling or soliciting despite refusals; the use of abusive or profane language; unwanted physical contact; or the intentional blocking of pedestrian and vehicular traffic. Also, any person who intentionally blocks the passage of another person or a vehicle, which requires another person to take evasive action to avoid physical contact, is an aggressive panhandler.

(2) Beg, panhandle or solicit, for purposes of this ordinance, means any request made in person for a donation of money or some other article of value, either by words, bodily gestures, signs or other means, from another person.

(3) Beg, panhandle, or solicit from any operator or occupant of a vehicle that is in traffic on a public street means any request made in person for a donation of money or some other article of value, either by words, bodily gestures, signs or other means, from any operator or occupant of a vehicle, coupled with an actual exchange of money or some other article of value between the person begging, panhandling or soliciting and any operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.

(4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie or place an object in such a manner as to intentionally block passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by permit are not included within the definition of this term.

(5) Public place means an area generally visible to public view and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those areas that serve food or drink or provide entertainment or other services, outdoor cafes, public restrooms, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(6) For purposes of this ordinance, beggar, panhandler or solicitor means any person traveling either by foot, vehicle or other conveyance, from place to place, requesting in person a donation of money or some other article of value, either by words, bodily gestures, signs or any other means, from another person.

(b) Restrictions and requirements.

(1) Beggars, panhandlers or solicitors are prohibited from intentionally obstructing pedestrian or vehicular traffic.

(2) Beggars, panhandlers or solicitors are prohibited from aggressively begging, panhandling or soliciting.

(3) Beggars, panhandlers or solicitors are prohibited from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street, as those terms are defined in this article.

(4) Any operator or occupant of a vehicle that is in traffic on a public street is prohibited from offering money or some other article of value to a beggar, panhandler or solicitor resulting in the actual exchange of money or some other article of value between the person begging, panhandling or soliciting and the operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.

(5) No person shall stand on a traffic median, bicycle path or public street to beg, panhandle or solicit when to do so would obstruct vehicular traffic.

(6) Begging, panhandling, soliciting or aggressive begging, panhandling or soliciting are prohibited at the following places:

- a. At an outdoor cafe;
- b. Within 12 feet of an outdoor cafe;
- c. In a public restroom;
- d. From any person standing in line to enter a building or event;
- e. Within 12 feet of a line to enter a building or event;
- f. Within 12 feet of the entrance or exit of a building;
- g. From any person using an automated teller machine, or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account (ATM);
- h. Within 12 feet of an ATM;
- i. From any person using a pay phone;
- j. Within 12 feet of a pay phone.

Sec. 16-23 – Reserved.

Sec. 16-24. - Selling, soliciting on public rights-of-way; exceptions.

(a) It shall be unlawful to sell, offer for sale or solicit for sale any food or beverage for human consumption from any pushcart, bicycle cart, motorized cart or other type of motor vehicle on the public streets, sidewalks or in the public rights-of- way within the city limits unless specifically allowed as set forth in this section.

(b) Pushcarts, bicycle carts, motorized carts or other type of motor vehicles are permitted to sell their products on the public streets, sidewalks or in the public rights-of-way of the city between the hours of noon and 9:00 p.m. only if they limit their inventory to the following categories: categories limited to non-alcoholic pre-packaged beverages and pre-packaged food, as defined in Section 15-19-29 of this Code. All items must be pre-packaged for sale. None of these vehicles may operate on the rights-of-way, streets, or sidewalks adjacent to any properties where "no solicitation" or similar signs are posted.

(c) A license from the Georgia Department of Agriculture must be prominently displayed for view on each vehicle and available for inspection upon request by a city code enforcement officer. Each vehicle shall contain a copy of the current valid business occupation tax certificate issued for the business (not for the vehicle itself) by the city, another jurisdiction in Georgia, or another state, and such business occupation tax certificate must also be prominently displayed for view on the vehicle and available for inspection upon request by a city code enforcement officer.

(d) All vehicles operating under this section shall comply with all applicable provisions of the Code and federal and state law, rules and regulations. Each vehicle must exhibit exterior signage showing it as a slow-moving vehicle. The placement, size and wording of such signage shall be determined by the code enforcement officer. No vehicle shall be allowed to remain stationary on any public street, sidewalk or right-of-way for longer than thirty (30) minutes at a time. After the expiration of that time, the vehicle must move to a different location. Vehicles must be operated in a way that allows for unobstructed pedestrian and vehicular access to public streets, sidewalks and rights-of-way. No vehicle shall be operated within fifteen (15) feet of any fire hydrant, driveway, bus stop, subway entrance or exit, crosswalk, or intersection.

Sec. 16-25. - Shoplifting.

(a) *Unlawful act.* It shall be unlawful for any person to commit the offense of theft by shoplifting within the corporate limits of the city when the property which is the subject of the theft is \$500.00 or less in value.

(b) *Defined.* A person commits the offense of theft by shoplifting when alone or in concert with another person, with the intent of appropriating merchandise to such person's own use without paying for the same or to deprive the owner of possession thereof or of the value thereof, in whole or in part, does any of the following:

- (1) Conceals or takes possession of the goods or merchandise of any store or retail establishment;
- (2) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
- (3) Transfers the goods or merchandise of any store or retail establishment from one container to another;
- (4) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; or
- (5) Wrongfully causes the amount paid to be less than the merchant's stated price for the merchandise.

Sec. 16-26. – Public defecation or urination.

It shall be unlawful for any person to defecate or urinate on or adjacent to any street or sidewalk, or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings, or on any property open to public view.

217 Sec. 16-27. - Urban camping prohibited.

218 (a) Definitions. The following words, terms and phrases, when used in this section, shall have
219 the meanings ascribed to them in this subsection, except where the context clearly indicates a
220 different meaning:

221 *Camp* means residing in or using a public street, sidewalk, or park for private living
222 accommodations, such as erecting tents or other temporary structures or objects providing shelter;
223 sleeping in a single place for any substantial prolonged period of time; regularly cooking or
224 preparing meals; or other similar activities.

225 *Public park* means all municipal parks, public playgrounds, public plazas, attractions, and
226 monuments.

227 *Public street* means all public streets and highways, public sidewalks, public benches,
228 public parking lots, and medians.

229 *Storing personal property* means leaving one's personal effects such as, but not limited to,
230 clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any
231 substantial prolonged length of time. This term shall not include parking a bicycle or other mode
232 of transportation.

233 (b) Public parks. It shall be unlawful to camp or to store personal property in any park owned
234 by the city.

235 (c) Public streets. It shall be unlawful to camp, to sleep, to store personal property, to sit or to
236 lie down on any public street.

237 (d) Other public property; blocking ingress and egress. It shall be unlawful to camp, to sleep,
238 to store personal property, to sit or to lie down on any public property so as to interfere with ingress
239 or egress from buildings.

240 (e) Warning. No person may be arrested for violating this section until he or she has received
241 an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the
242 warning issued, he or she is subject to arrest for urban camping.

243 (f) Exceptions. This section shall not be construed to prohibit the following behavior:

244 (1) Persons sitting or lying down as a result of a medical emergency;

245 (2) Persons in wheelchairs sitting on sidewalks;

246 (3) Persons sitting down while attending parades;

247 (4) Persons sitting down while patronizing sidewalk cafes;

248 (5) Persons lying down or napping while attending performances, festivals, concerts,
249 fireworks, or other special events;

250 (6) Persons sitting on chairs or benches supplied by a public agency or abutting private
251 property owner;

252 (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;

(8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;

(9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals; or

(10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage.

Sec. 16-28. - Residential picketing prohibited.

(a) It shall be unlawful for any person to engage in picketing upon, before, or about the private residence or home of any individual.

(b) Picketing shall include, but not be limited to, the following types of activity:

(1) Staging a public or private protest of any kind.

(2) Obstructing passage to or from a residence.

(3) Promoting a strike or a boycott at a residence.

(4) To intimidate or otherwise harass the resident.

(c) It is the purpose of this section to protect and preserve the home, inasmuch as the public health and welfare and the good order of the city require that citizens of the city enjoy a feeling of peace, well-being, and privacy in their homes at all times.

Sec. 16-29. - Loitering and prowling.

(a) It shall be unlawful for a person to be in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(b) It shall be unlawful for a person aged 17 years or younger to be in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify

himself, is present at such a place during school hours, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(c) It shall be unlawful for any parent guardian or other persona having the custody or control of any minor to permit, allow or encourage such minor to violate subsection (a) of this section.

(d) It shall be unlawful for the proprietor, manager or other person having charge or control of any public or other place to permit, allow or encourage any minor to violate subsection (a) of this section in such place.

Sec. 16-29.1. – Loitering for purpose of procuring others to engage in sexual acts for hire.

It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual acts for hire.

Sec. 16-29.2. – Loitering for purposes of engaging in drug-related activity.

(a) *Legislative findings and intent.*

(1) The governing authority of the city finds that the increase throughout the city of loitering in public places for the purposes of unlawful drug-related activity, or in effect, "open air" drug dealing, has become extremely disturbing and disruptive to residents and businesses. This activity has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear and intimidation and disorder.

(2) Loitering for purposes of unlawful drug-related activity usually includes a dominate presence of those persons engaging in such activity by approaching pedestrians, encouraging the presence of vehicle and pedestrian traffic for the purpose of unlawful drug-related activity in and out of residential areas, to or from motor vehicles or in parking lots. Such presence carries with it an implicit threat to visitors and residents to avoid the use of these public places. The avoidance of such places by law-abiding citizens leads to an increased opportunity for the unlawful criminal activity and furthers the decay of the neighborhood.

(3) The city has a strong interest in ensuring that citizens feel safe in their neighborhoods, in safeguarding the economic vitality of its business districts, and in preserving public places for their intended purposes.

(4) This section is not intended to limit any person from exercising their right to assemble or engage in any other constitutionally protected activity. This section applies to all persons with the requisite intent to induce another to engage in unlawful drug-related activity.

- (b) It shall be unlawful for any person to loiter, as defined in this Chapter, in or near any thoroughfare, place open to the public, or any public or private place in order to induce, entice, solicit or procure another to engage in unlawful drug-related activity.
- (1) "Unlawful drug-related activity" means conduct which constitutes an offense defined in O.C.G.A. Tit. 16, Ch. 13, as amended; conduct which constitutes complicity to commit such an offense by, for example, acting as a lookout; or conduct which constitutes conspiracy to commit such an offense.
- (2) "Public place" means an area open to the public or exposed to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- (c) A police officer who observes a person loitering under circumstances that provide the officer with a reasonable basis to believe unlawful drug-related activity is occurring or has occurred may detain the individual for the purpose of investigating whether the person is in violation of this section.
- (d) A police officer may not detain an individual under this Code section unless both of the following elements are satisfied:
- (1) The person engages in one (1) or more of the following behaviors:
- a. The person passes or receives from a passer-by, bystander or person in a motor vehicle money, objects having characteristics consistent with controlled substances, and/or an envelope, bag or other container that could reasonably contain such objects or money;
 - b. The person conceals or attempts to conceal an object having characteristics consistent with controlled substances and/or an envelope, bag, clear plastic baggie or other container that could reasonably contain such objects;
 - c. The person flees or obscures himself upon seeing law enforcement officers;
 - d. The person communicates the fact that law enforcement officers are in the vicinity to another person in a manner that suggests that the communication is a warning; or
 - e. The officer observes the person in possession of any instrument or object that is designed or marketed as useful primarily for one (1) or more of the following purposes:
 1. To inject, ingest, inhale or otherwise introduce marijuana or a controlled substance into the human body;
 2. To enhance the effect of marijuana or a controlled substance on the human body;
 3. To test the strength, effectiveness, or purity of marijuana or a controlled substance;

- 366 4. To process or prepare marijuana or a controlled substance for introduction into
367 the human body;
- 368 5. To conceal any quantity of marijuana or a controlled substance; or
- 369 6. To contain or hold marijuana or a controlled substance while it is being
370 introduced into the human body.
- 371 (2) One (1) of the following factors applies:
- 372 a. The officer is aware that, within the preceding three (3) years, the person has been
373 convicted of an offense defined in O.C.G.A. Tit. 16, Ch. 13, or of complicity to
374 commit such an offense, or of conspiracy to commit such an offense with in the
375 preceding three (3) years;
- 376 b. The officer has knowledge of a specific reliable tip concerning unlawful drug-related
377 activity at a specific location, and the person who is found loitering is doing so at a
378 time, in a place or in a manner that is otherwise consistent with the details provided
379 in the tip;
- 380 c. The person is loitering in an area that has been designated a notorious drug-related
381 activity area as defined in subsection (g), below;
- 382 d. The person is in an area where he is prohibited by court order from being, and the
383 officer is aware of the court order;
- 384 e. The officer knows that the person has been previously convicted of loitering with
385 the intention of engaging in unlawful drug-related activity under this section; or
- 386 f. Any vehicle the person has approached or communicated through is registered to an
387 individual who has been convicted of an unlawful drug-related activity in the
388 previous three (3) years, and the officer is aware of that fact.
- 389 (e) No arrest may be made for a violation of this section unless the arresting officer first affords
390 the person an opportunity to explain the person's presence and conduct, unless flight by the
391 person or other circumstances make it impracticable to afford such an opportunity, and no one
392 shall be convicted of violating this section if it appears at trial that the explanation given at
393 the scene was true and disclosed a lawful purpose.
- 394 (f) If a police officer who detains a person pursuant to this Code section develops probable cause
395 to believe that the person is in violation of this Code section, the officer may order the person
396 to immediately leave the location and to remain at least five hundred (500) feet away from the
397 location for at least five (5) hours. In the event that person refuses to comply with such an
398 order, the police officer may arrest the person and charge him with a violation of this section.
- 399 (g) The City may, by written directive, clearly and publicly designate areas of the City that are
400 frequently associated with excessive incidents of drug-related offenses, including offenses
401 involving controlled substances, as defined in O.C.G.A. Tit. 16, Ch. 13, or marijuana, subject
402 to any requirements of state law.

Sec. 16-30. - Preventing or disrupting lawful meetings, gatherings or processions.

It shall be unlawful for a person to knowingly prevent or disrupt a lawful meeting or gathering of the city council or any board, committee or instrumentality thereof or of the state to substantially obstruct or interfere with the meeting or gathering by physical action or verbal utterance. The term "lawful meeting or gathering" shall mean any such time and place where a quorum is present.

Sec. 16-31. - Unauthorized persons entering vacant buildings.

It shall be unlawful for any person to enter or to remain in a vacant or unoccupied building or on any portion of vacant land upon which such vacant building is located unless with permission of an authorized agent of said property; provided, such building or vacant property is prominently marked by a posted notice which is easily seen from a distance of at least fifty (50) feet that informs the public such property is vacant or unoccupied and unauthorized persons are prohibited from entering.

Sec. 16-32. - Discharge of weapons.

It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm of any type or shoot a slingshot or bow and arrow within the city, except in defense of a person or property. This section shall not apply to any law enforcement officer while in the discharge of official duties.

Sec. 16-33. - Reckless operation of motor vehicle upon parking facility or walkway.

No person shall operate a motor vehicle upon any parking facility, public or private, vehicle-access or pedestrian walkway of any parking facility by sudden starting, stopping or turning so as to endanger the person or property of another.

Sec. 16-34. - Creating hazardous or offensive condition.

No person shall create a hazardous or physically offensive condition by an act which serves no legitimate purpose.

Sec. 16-35. - Halting or impeding flow of traffic.

No person shall congregate with another or others in or on any public right-of-way or place so as to halt or impede the flow of vehicle or pedestrian traffic after having been directed to clear such public right-of-way or place by a police officer or any other authorized law enforcement officer.

Sec. 16-35. – Civil Trespass.

No person shall knowingly and without authority enter upon the land or premises of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or authorized representative of the owner or rightful occupant that such entry is forbidden. Posted "no solicitation" signs shall be deemed adequate notice.

Secs. 16-37 - 16-50. – Reserved.

DIVISION 2. – DRUG AND ALCOHOL-RELATED OFFENSES

Sec. 16-51. - Public possession or consumption.

(a) Alcohol consumption near package stores. It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance, unless otherwise permitted by Chapter 4.

(b) Drinking in public.

(1) It shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while on any streets, sidewalks, alleyways, parking areas or other open areas operated and controlled by the city. This subsection does not apply to parks.

(2) Subsection (1) shall not apply to gatherings or activities for which a valid event permit has been issued by the city, subject to any conditions attached to the issuance of the permit.

Sec. 16-52. - Public intoxication.

It shall be unlawful for any person to be disorderly while under the influence of illicit drugs, alcohol, concentrated vapors, or inhalants on the streets, sidewalks or other public places within the corporate limits of the city. Any person who acts in a reckless manner so as to create an unreasonable risk to himself, to others or to property in the vicinity while under the influence of alcohol or drugs is in violation of this section. The condition of intoxication or incapacitation must be outwardly manifested by boisterousness, public indecency as defined by this Chapter, indecent acts, vulgar, profane, or loud and unbecoming language, unconsciousness, disorientation or the inability to care for his or her own needs or recognize obvious dangers.

Sec. 16-53. - Furnishing, purchasing, or possession of alcoholic beverages by person less than 21 years of age.

(a) Except as otherwise authorized by law:

(1) No person directly or through another person shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person less than 21 years of age;

- 475 (2) No person less than 21 years of age shall purchase, drink or knowingly possess any
476 alcoholic beverages;
- 477 (3) No person less than 21 years of age shall misrepresent such person's age in any manner
478 whatever for the purpose of obtaining illegally any alcoholic beverage;
- 479 (4) No person shall knowingly or intentionally act as an agent to purchase or acquire any
480 alcoholic beverage for or on behalf of a person less than 21 years of age;
- 481 (5) No person less than 21 years of age shall misrepresent such person's identity or use any
482 false identification for the purpose of purchasing or obtaining any alcoholic beverages;
483 or
- 484 (6) No person shall keep or maintain a place where persons less than 21 years of age are
485 allowed and permitted to come and purchase, drink or possess any alcoholic beverage.
- 486 (b) The prohibitions contained in subsections (a)(1), (a)(2) and (a)(4) of this section shall not
487 apply with respect to:
- 488 (1) The sale, purchase or possession of alcohol beverages for consumption for medical
489 purposes pursuant to a prescription of a physician duly authorized to practice medicine
490 in this state;
- 491 (2) The sale, purchase or possession of alcohol beverages for consumption at a religious
492 ceremony;
- 493 (3) The possession of alcoholic beverages for consumption by a person under 21 years of
494 age when the parent or guardian of the person less than 21 years of age gives the alcoholic
495 beverage to the person and when possession is in the home of the parent or guardian and
496 such parent or guardian is present;
- 497 (4) The sale of alcoholic beverages by a person when such person has been furnished with
498 proper identification showing that the person to whom the alcoholic beverage is sold is
499 21 years of age or older. For purposes of this subsection, the term "proper identification"
500 means any document issued by a governmental agency containing a description of the
501 person, such person's photograph, or both, and giving such person's date of birth and
502 includes, without being limited to, a passport, military identification card, driver's
503 license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-
504 104. The term "proper identification" shall not include a birth certificate.
- 505 (c) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing
506 contained in this section shall be construed to prohibit any person less than 21 years of age from:
- 507 (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in
508 any licensed establishments;
- 509 (2) Being employed in any establishment in which alcoholic beverages are distilled or
510 manufactured; or
- 511 (3) Taking orders for and having possession of alcoholic beverages as a part of employment
512 in a licensed establishment.

(d) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used as an admission in any administrative or judicial proceedings brought against such testifying person less than 21 years of age.

(e) Any person convicted of violating any prohibition contained in subsection (a) of this section shall be punished by a fine not to exceed \$1,000.00 or imprisonment for not more than 180 days, or both; except that any person convicted of violating subsection (a)(2) of this section shall be punished by not more than 30 days imprisonment or a fine of not more than \$300.00 or both. Any defendant charged under this section shall be entitled upon request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred. Any person charged with a second or subsequent offense under this section shall be punished as for a misdemeanor of a high and aggravated nature in the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.

(f) Whenever any person who has not been previously convicted of any offense under this section or under any other law of the United States or any other state relating to alcoholic beverages pleads guilty to or is found guilty of a violation of subsection (a)(2) or (a)(3) of this section, the court, without entering a judgment of guilt and with the consent of such person, may defer further proceedings and place such person on probation upon such reasonable terms and conditions as the court may require.

(1) The terms of probation shall preferably be such as to require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint such person with the ill effects of alcohol abuse and to provide such person with knowledge of the gains and benefits which can be achieved by being a good member of society.

(2) Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed accordingly.

(3) Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against such person. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this subsection or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this subsection may occur only once with respect to any person.

(g) Unless the officer has reasonable cause to believe such person is intoxicated, an officer may arrest, by issuance of a citation, a person accused of violating only subsection (a)(2) of this section. The citation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge, having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that such person be brought before the court to answer the charges contained within the citation and the charge of

such person's failure to appear as required. Nothing in this subsection shall be construed to invalidate an otherwise valid arrest by citation of a person who is intoxicated.

Sec. 16-54. - Marijuana possession.

(a) It shall be unlawful for any person to possess or have under his control within the city one ounce or less of marijuana.

(b) For purposes of this section, the term "marijuana" means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, and shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination.

(c) Exceptions. The appropriate use of legally prescribed marijuana is not prohibited. "Legally prescribed" shall mean that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.

(d) Any person charged with a violation of this section shall be entitled, upon request, to have the case against him transferred to the State Court of DeKalb County, to be prosecuted and tried as a misdemeanor in that court.

Secs. 16-55 – 16-70. – Reserved.

DIVISION 3. – OFFENSES INVOLVING SCHOOLS

Sec. 16-71. - Unauthorized persons entering school buildings.

No person shall enter or remain in any public, private or parochial school building between the hours of 7:30 a.m. and 6:00 p.m. on days that school is in session (or until 10:00 p.m. at those schools which have extended sessions), who is not a regularly enrolled student, teacher or employee at that school, unless the person shall have first and immediately proceeded to the administrative offices and identified themselves to the principal or the principal's agent and receives permission to remain on the premises.

Sec. 16-72. - Unauthorized persons not to remain in school buildings or on school grounds after being requested to leave.

It shall be unlawful for any person to enter and remain in any public, private, or parochial school or on the surrounding school grounds after being directed to leave by the principal of the school or by someone with lawful authority.

Sec. 16-73. - Creating a disturbance.

(a) It shall be unlawful for any person to create a disturbance in any public, private or parochial school or on the surrounding school grounds lawfully used for school activities while such recreational areas are in use or other activities are in progress thereon.

(b) A disturbance, for purposes of this section, shall be defined as any act which may be reasonably expected to interfere with the activities within the school or school activities on the school grounds or fields while such activities are in progress thereon.

Sec. 16-74. - Operation of motorized vehicles on school property.

The operation of motorized vehicles of any nature in or on any yard, campus, playing field or open area of any public school, college or institution in the city, except on those areas designated by school authorities for use of motorized vehicles, is prohibited.

Secs. 16-75 – 16-80. – Reserved.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City 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 City 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.

3. 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 City 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 the Ordinance and that, to the greatest extent allowed

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by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

7.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Establish the Lithonia Industrial Park/Industrial Boulevard Steering Committee

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 09/12/2018 Council Meeting: 09/17/2018

SUBMITTED BY: Council Member Clanton

PURPOSE: This item came to Work Session at the 09/05/2018 meeting and was sent to the Council Meeting.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Recommendation of Council

STATE OF GEORGIA
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CITY OF STONECREST

RESOLUTION 2018- _____

**A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, TO ESTABLISH THE
LITHONIA INDUSTRIAL PARK / LITHONIA INDUSTRIAL BOULEVARD
STEERING COMMITTEE OF THE CITY OF STONECREST, GEORGIA**

WHEREAS, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum; and

WHEREAS, Senate Bill 208 provided a charter for the City of Stonecrest (the “City Charter”); and

WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise and enjoy all other powers, functions and rights necessary or desirable to promote the general welfare of the City and its inhabitants; and

WHEREAS, Section 3.01(a)(9) of the City Charter gives the Mayor the power to establish oversight and policy committees of the city council; and

WHEREAS, Section 2-137 of Chapter 2 of the Code of the City of Stonecrest, Georgia provides that the mayor may establish advisory committees; and

WHEREAS, the City of Stonecrest was founded as a partnership of its residential, commercial, recreational, and industrial communities; and

WHEREAS, Lithonia Industrial Park was created a half-century ago as a master-planned industrial community, and is one of the largest industrial communities in DeKalb County; and

WHEREAS, Lithonia Industrial Park is a major employment center and revenue source for the City of Stonecrest; and

WHEREAS, Lithonia Industrial Boulevard was built a half-century ago as the heart and central arterial of the Lithonia Industrial Park Master Plan, and since then has been extended to Rock Chapel Road and has been officially designated by the Stonecrest Comprehensive Plan as a Truck Route; and

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WHEREAS, Lithonia Industrial Boulevard is a vital trucking and commuter route which serves Stonecrest's residential, commercial and recreational communities as well as Lithonia Industrial Park, but the original section of the Boulevard between Covington Highway and South Stonecrest Mountain Lithonia Road is deteriorating and requires rebuilding, widening, and modernization; and

WHEREAS, the intersections of Lithonia Industrial Boulevard with Covington Highway, Parkway Road, Griffith Way, Marbut Road, and Marshall Boulevard are outdated, and in the interest of public health, safety and welfare require modernization; and

WHEREAS, Lithonia Industrial Park has hundreds of acres of undeveloped industrial land which are available for economic development; and

WHEREAS, much of the undeveloped land is along the most recently constructed part of Lithonia Industrial Boulevard, which currently lacks utilities required for development; and

WHEREAS, Section 1.06 of the City Charter grants the City Council the power to establish by Resolution the Stonecrest / Lithonia Industrial Park Community Improvement District; and

WHEREAS, a functioning Stonecrest / Lithonia Industrial Park Community Improvement District would be of value as a partner in facilitating the responsible economic development of Lithonia Industrial Park; and

WHEREAS, it is essential to the continued health, safety and welfare of the residential, commercial and recreational communities that they work in tandem with the Lithonia Industrial Park Community toward the responsible economic development of Lithonia Industrial Park; and

WHEREAS, the Stonecrest City Council finds that the public health, safety and welfare would be served by City Council receiving input and recommendations from the Lithonia Industrial Park Community regarding preservation, revitalization, rebuilding, promotion, recognition, and development of Lithonia Industrial Boulevard and Lithonia Industrial Park, and further regarding creating the Stonecrest / Lithonia Industrial Park Community Improvement District; therefore, the City Council finds that establishing a Steering Committee comprised of stakeholders in the Lithonia Industrial Park Community will provide a needed collective voice for providing such input and recommendations.

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, as follows:

**SECTION I.
ESTABLISHMENT AND AUTHORIZATION OF THE
LITHONIA INDUSTRIAL PARK / LITHONIA INDUSTRIAL BOULEVARD
STEERING COMMITTEE**

1. There is hereby established the Stonecrest Lithonia Industrial Park / Lithonia Industrial Boulevard Steering Committee of the City of Stonecrest, Georgia (the "Lithonia Industrial Park Committee").
2. One or more councilmembers may be a member of the Lithonia Industrial Park Committee.
3. The city manager or a designee shall oversee the meetings of the Lithonia Industrial Park Committee and shall be an ex-officio, non-voting member of the Lithonia Industrial Park Committee.

**SECTION II.
DUTIES**

1. The Lithonia Industrial Park Committee shall study and research City matters of interest and import related to Lithonia Industrial Park and Lithonia Industrial Boulevard, and may, from time to time, offer written recommendations to the City Council after the conclusion of such study and research.
2. Members must attend two-thirds of the Lithonia Industrial Park Committee meetings in a calendar year. Failure to do so warrants removal from the Lithonia Industrial Park Committee.

**SECTION III.
MEMBERSHIP**

1. Except as provided in subsection (2) of this Section III, the Mayor shall establish qualifications for members of the Lithonia Industrial Park Committee. Each committeeperson shall be nominated by the Mayor and approved by the City Council.

2. Each Lithonia Industrial Park Committee member must be either a resident of the City; a member of the City Council; or an owner or officer of a business domiciled within Stonecrest in Lithonia Industrial Park or adjacent to Lithonia Industrial Boulevard. For purposes of this Resolution, the term "domiciled" means:

- A. Properties or businesses which are located within Stonecrest in Lithonia Industrial Park or adjacent to Lithonia Industrial Boulevard;
- B. Persons or corporations doing a substantial part of their business in Lithonia Industrial Park;
- C. A representative of the Stonecrest Business Alliance Incorporated; and
- D. A representative from the Stonecrest Development Authority.

3. Should the Lithonia Industrial Park Committee member move out of the City or no longer be an owner or an officer of a business domiciled in the City, he/she may remain active until the Mayor and City Council appoint his/her replacement.

SECTION IV. TERMS

- 1. Each Lithonia Industrial Park Committee member shall serve until the succeeding end of the City's fiscal year. Consecutive terms are permissible.
- 2. Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible. Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.
- 3. Any member may be removed with or without cause by the Mayor.

SECTION V. COMPENSATION

Lithonia Industrial Park members will serve without compensation.

SECTION VI. QUORUM

A majority of the actual number of Lithonia Industrial Park Committee members shall establish a quorum at the initial meeting. The number of members to establish a quorum may thereafter be

specified by that Committee's rules of procedure. Any action taken requires a majority of affirmative votes of the quorum present.

**SECTION VII.
GOVERNANCE**

1. The Lithonia Industrial Park Committee shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council, and determine its time of meeting. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the Mayor and Council.
2. All meetings at which official action is taken shall be open to the public and all records maintained by the Lithonia Industrial Park Committee shall be public records unless expressly exempted by a provision of the State's Open Records Act. The Lithonia Industrial Park Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, and records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the Mayor and each member of the City Council. The minutes of the proceedings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the State Open Meetings and Open Records Acts.
3. Expenditures of the Lithonia Industrial Park Committee, if any, shall be within the amounts appropriated for the purposes intended by the Mayor and City Council during the annual budgeting process.

**SECTION VII.
INITIAL MEMBERS**

The initial members of the Lithonia Industrial Park Committee shall be as follows:

1. Councilman Jimmy Clanton
2. Councilman Rob Turner
3. Bernard Knight
4. Jim Kelly
5. Dan Kelly
6. Scott Baize

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8. Alex Belete
9. Robert Burroughs
10. Keith Cristal
11. Kidane Gabresellasie
12. Efrem Ghebre
13. Misrawi Nuguse
13. Maurice Heron
14. Marchia Hammond
15. Eric Hubbard
16. Clint Johns
17. Stewart Johns
18. Steve Levetan
19. Brack Maggard
20. Chris Alexander
21. Andrea Phelps
22. Jack Phillips
23. Chris Phillips
24. Bill Randolph
25. Robert Scott
26. Scott Shephard
27. Rick Sieg
28. Scarlett Stewart Sears
29. Bill Wikle

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018

Approved:

Jason W. Lary, Sr., Mayor

Attest:

Brenda James, City Clerk